A SHORT NARRATIVE OF THE CIRCUMSTANCES ATTENDING THE LATE TRIALS IN The Supreme Court of Judicature AT MADRAS, FOR FORGERY, PERJURY, AND CONSPIRACY TO CHEAT;

WITH

SOME COMMENTS ON THE UNJUSTIFIABLE ALLUSIONS MADE TO THEM IN THE RECENT OFFICIAL PAMPHLET IN DEFENCE OF THE MADRAS GOVERNMENT.

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IT is not possible that men engaged in political life in the mother country, should attend to every event which interests or even agitates the feelings of their countrymen in distant colonies; and nothing can be more ill-judged than to clamour for attention to remote transactions, when they are not of high importance; but busy as the political world is, and small as distant objects must naturally appear to it, it is never disposed to pass over any remarkable examples of oppression and injustice, without severe scrutiny. However distant the country in which an Englishman has suffered or perpetrated tyranny, there is the fairest disposition at home, to hear and to redress the wrong.

It may be hoped then, that this narrative will not be wholly overlooked; and that those whose

sufferings it relates, will meet with favour and protection from that numerous class whose aversion to the abuse of power makes them always ready to advocate the cause of the oppressed.

It is scarcely possible to suppose, that those civil rights which are the birth-right of an Englishman, can be maintained in our colonies in the same state of purity they are enjoyed at home. The immensity of the distance, and the impossibility of immediate appeal to the wisdom of superior tribunals in the mother country, necessarily confer upon the supreme power in our remote dependencies a greater share of authority than is deemed compatible with the existence of civil liberty at home. But though our colonists have not all our rights, they have some, and in proportion as they are few, they become more important, being naturally such as are barely sufficient to guard the distant subject from oppression.

Amongst other securities against the oppressive hand of power in our East India settlements, the establishment of trial by jury was many years ago an anxious object with some of the wisest of our legislators; by them it was regarded as a means of teaching the native a more perfect system of justice, whilst it gave to the resident the benefit of those laws to

which he had been accustomed, and afforded him the best shelter against the possible excess of his governors.

The generous and humane motives that actuated parliament, as well as its wisdom in extending the sphere of trial by jury, was universally admitted, and the benefits that have practically ensued, have never yet been called in question. Indeed nothing can appear more beneficial than the introduction of such an institution in our eastern dominions: it not only offers the atonement of civilization for the violence of conquest, but it sends the colonist abroad with a more cheerful confidence in his destiny, and leaves his friends and kindred at home with the comfortable certainty that he will always be sheltered from despotism and injustice.

But to secure these advantages, an appeal to a jury ought, as in the mother country, always to be open; no man should be threatened by the government for resorting to it;—no man should be banished or reduced to certain poverty for having made it.—The juries to whom that appeal has been made, should, when they decide, be protected in life, fortune, and character.—The influence government may have over them, should never be wantonly exerted for the per-

version of justice ;—far less should the eventual want of success of such unwarrantable interference lead to the vindictive punishment of those it has in vain attempted to mislead. How far these obvious feelings have been respected in the course of the prosecutions that have lately taken place at Madras, it is the business of the present short narrative to exhibit.

A few years ago, when it was publicly known that an adjustment of the debts of the late nabob of Carnatic was about to take place, a very considerable amount of nabob's bonds appeared in the market at Madras, and many of them were daily hawked about at much lower prices than paper of the same denomination was sold for, before it was known that any arrangement of this debt was to take place. It was then reasonably suspected, and it has since been proved, that the durbar servants were principally concerned in the fabrication of these spurious bonds, they having enjoyed a greater facility of giving colour to their claims, by connecting them with the real transactions, in the records to which they had free access.

Roya Reddy Row, Dewauny Peishcar, and head Marhatta Sherestadar to the present nabob Azeem ul Dowlah, was said to be deeply engaged in these forgeries, but no communication

was made to government on this subject, till the beginning of the year 1808. The information then laid before them, was referred to their advocate-general, Mr. Anstruther—certainly not the person to whose decision any charge affecting the character of Roya Reddy Row ought in preference to have been submitted, as it was generally known that he, together with the company's solicitor, Mr. Orme, and some other gentlemen, had speculated very deeply in nabob's bonds, purchased from Reddy Row, or by his recommendation. In consequence of the advocate-general's advice, a committee was appointed to investigate the truth of this information, of which he was himself the chairman; and the company's solicitor the secretary. As might be expected, the conduct of this enquiry was left chiefly to the two gentlemen of the law, and the result of course was, that the charges against Roya Reddy Row, were judged to be *wholly false and malicious.*

About this time, the commissioners appointed for investigating the Carnatic debts at Madras, began to publish the claims preferred to them, and the first advertised for investigation, though by no means the first in the order given in, was one on the part of Roya Reddy Row, upon a bond purporting to be executed by Omdut ul Omrah, in favour of Gopal Row, dated 26th

July, 1798, for 38,500 pagodas;—the same which has since been the subject of one criminal trial, and has given rise to two others, which was well known to be the property of the advocate-general, and other gentlemen concerned with him. The claim was challenged by Mr. William Light, the agent for Avadanum Poupiah Braminy. The commissioners examined witnesses for and against it; during which proceedings so strong a disposition was displayed to support the bond, that Poupiah was advised to subject its validity to the consideration of a much higher and a more public tribunal, and immediately commenced a prosecution against Roya Reddy Row, for a conspiracy and forgery. This appeal to the superior wisdom, and the more perfect impartiality of a court of justice, became the more necessary from the enormity of Reddy Row's claims, more than one half of which he stated to have proceeded from loans to the nabob, in the month preceding his death, and when he was known to be past recovery.* If the property of the real creditor was ever to be defended, this undoubtedly appeared the time for doing it. Informations were accordingly lodged

* See Appendix, No. I. containing a memorandum of claims preferred by Reddy Row, before the commissioners.

before the sitting magistrate, and the two accused persons were held to bail, to take their trial at the ensuing quarter sessions.

The commissioners were immediately applied to by the sitting magistrate, for the production of the bond at the public office; when in reply they intimated that they believed the prosecution to be the effect of a conspiracy, against Roya Reddy Row, of which Avadanum Poupiah Braminy, was the head, stating, that they had recommended it to the governor in council, to direct his law officers to inspect their proceedings, with a view to a prosecution against Poupiah and others for a conspiracy and perjury; though in fact this menaced prosecution never took place.

This attempt to obstruct the trial of Reddy Row, was strongly supported by another of a similar nature, which, however, was carried a little farther. A few days after the prosecution of Reddy Row was commenced, informations were brought before the magistrates, by the law officers, acting under the orders of government, against Poupiah and three others, for a conspiracy to forge a nabob's bond, of which intimation had been given by the commissioners to the sitting magistrate, at the time they gave notice of the aforementioned intended

prosecution, for a conspiracy and perjury. The parties were held to bail. A bill of indictment was found against them by the grand jury at the October sessions. The indictment was traversed by consent, and the trial lay over for the January sessions, at the commencement of which Poupiah died; but though the other three persons were forthcoming, no notice was given by the law officers of their going to trial against them.

A third session came on upon the 8th of May, when the Company's solicitor gave notice to the solicitor for the defendants, that government did not mean to prosecute the indictment. The parties were accordingly brought up, and their bail discharged.

If public justice had been the object in view, in preferring this indictment, there was no reason why the law-officers should not have proceeded with the trial against the three surviving defendants. Although one of the parties was dead, the ends of justice would have been equally obtained, by the punishment and conviction of the survivors. Combining, therefore, the abandonment of this prosecution, with the abortive threats of the other that has been already stated, there can be little doubt that there was no serious ground for either of them; and that

both were adopted, as tending to put a stop to the prosecution against Reddy Row, if not resorted to for that express purpose.

The means, however, of thwarting the operations of justice, and of preventing the merited punishment of RoyaReddy Row were not yet exhausted. The persons who deposed to the actual fabrication of the bond, Arnachetta Row and Beemah Row, had been confidential servants to Roya Reddy Row, and as such had been employed by him in many of his criminal transactions. It becametherefore ofimportance to Reddy Row, as well on account of his approaching trial, as of the other numerous forgeries that he had committed, to incapacitate these men from appearing against him. Accordingly informations were sworn to by him, charging Arnachetta Row and Beemah Row with perjury, assigned upon some small variance in their evidences,a variance that ought rather to have induced a belief,than a doubt, of their testimony, and upon these informations they were held to bail : and this prosecution was conducted by the law officers of the Company, acting under the orders of the government,at therecommendation of thecommissioners.

Another effect to be produced by a prosecution of the witnesses by government, and which it is obvious to every one the least acquainted with the character of the na-

tives of India, must have followed, was an intimidation and prevention of other persons from coming forward as witnesses. And as almost all information regarding claims upon the nabobs, must be procured from natives, it was evident that this measure would frustrate all fair investigation, and leave the fund for the payment of the real creditors at the mercy of Reddy Row, and his creatures, the Durbar servants, at least as far as the decision of the commissioners in India could effect it.

Alarmed at the dangers with which their interests seemed threatened, the *bona fide* creditors of the nabob of the Carnatic had appointed a committee to watch over the interests of the fair creditors, and to represent to government the pernicious effects the cause of justice must sustain from their interference. But instead of obtaining any protection, or even forbearance from government, the committee were accused of acts of wanton obstruction to the proceedings of the commissioners: they were harshly reprimanded, and threatened with the severest effects of public displeasure.* The information which they had given to government concerning the deep interest the advocate general must necessarily feel in the protection

* See Correspondence betwixt the Committee of fair Creditors and the government of Madras. Appendix Nos. 2, 3, 4, 5, and 6.

of Reddy Row was passed by unnoticed; their request to have a copy of his report upon their letter was refused, and Mr. Roebuck, one of the committee, finding that this was the only reward of his public spirit, withdrew himself from all further concern in the business.

In order to conduct the trial of Reddy Row, it was necessary for the other members of the committee, who determined to persevere, to procure from the commissioners several documents of which they had become possessed in their late investigation of the charges against Reddy Row. To an application from the solicitor for the prosecution for these documents, a positive refusal was received,* nor could they be procured till they were ordered to be given up by the court, on which occasion the conduct of the commissioners was stigmatised by one of the judges on the bench, as a scandalous obstruction of public justice.

As the approaching trials involved interests of considerable extent, the greatest care was very properly taken by the sheriff to select persons for the grand jury, who were known to have no kind of interest in claims upon the Durbar; only sixteen were sworn, and of these fifteen were in the service of the company.*

* Appendix, No. 7. 8,

† See the names of the jury, Appendix, No. 9.

Their first act was to reject the bill against Beemah Row, and Arnachetta Row, though it had been recommended by the commissioners, advised by the law officers, and patronized by government. Their next act was to find against Roya Reddy Row and Annunda Row that bill, which all these various powers had been actively at work to defeat.

The quarter sessions of oyer and terminer opened on the 10th of October, and upon the plea of the impending dispatch of the ships for Europe, was immediately adjourned for fifteen days, being the first time the court ever evinced such indulgent consideration for the convenience of the public, though the spring and autumn ships were generally dispatched about the period the quarter sessions were held. It was not therefore till the 10th of November the court proceeded to the trial of Reddy Row and Annunda Row, against whom the bill had been found by the grand jury. In this trial there were three issues: viz. the justice of the claim upon which the bond was alleged to be founded,—the presence of the defendant and Annunda Row at the Durbar on the 26th of July, 1798, when it was alleged he had written it by order of the Nabob,—and the actual fabrication of the bond, two years after the death of the Nabob.

Against the justice of the claim, a variety

of circumstantial evidence was adduced on the part of the prosecution. To prove the absence of the defendant Annunda Row, in July 1798, eleven credible unimpeached witnesses deposed that he had resided in the districts of Chillambrum and Manoorgudy from the year 1797, to the month of May, 1800; three witnesses, servants of the late Colonel Barret, in whose office at the Durbar it was pretended that Annunda Row had been employed, deposed that they had never seen him there, although they were in pretty constant attendance upon their master; fourteen witnesses servants of the Durbar deposed likewise that they had never seen him there during the time in question; and the third point at issue was proved by Arnachetta Row and Beemah Row, who swore to the actual fabrication of the bond some time in the month of July, 1803.

On the part of the defence it was pretended that the claim arose out of a loan made in 1797 by Gopal Row to Anwar Ally Khan, renter of the Arcot district on account of the circar. On the part of the prosecution it was proved that Anwar Ally Khan remained in the rentership only fifty-seven days, that he was then turned out by the nabob, and that Hussam Ul Mulk, the nabob's brother, was appointed

to it; that it was customary in the Nabob's country, when a renter was removed before the expiration of the year, for his successor to take possession of all the accounts of the district, and make up the account for the entire year, as well of the management of his predecessor as of his own. That Hussam Ul Mulk accordingly sent Syed Moortaza Hussam to take possession of all the accounts of the district of Arcot upon the removal of Amwar Ally Khan, and the prosecutors offered, and more than once importuned the court to be allowed to produce those accounts in evidence to prove that there was no trace in them whatever of such loan made by Gopal Row to Amwar Ally Khan for account of the Circar, nor for any other account.

They also produced the two Serishtadars of Hussam Ul Mulk, who made up the accounts in order to prove them, but the chief justice would neither admit the production of the account or receive the evidence of the Serishtadars. Hussam Ul Mulk had himself been summoned to produce the accounts, but he refused to appear in court on the plea of ill health, and in excusing himself from obeying the summons, he wrote a letter to the chief justice, Sir Thomas Strange, acquainting him

that he had sent the accounts of the district, in which were included those of the management of Anwar Ally Khan by his Serishtadars who made them up, in which there appeared no entry of the loan of Gopal Row.*

Notwithstanding this the chief justice persevered in refusing to receive these accounts in evidence, though if admitted they alone would have completely destroyed the foundation of Reddy Row's claim. On the part of the defence many documents were produced from the Dufters in support of the claim; and some witnesses were brought to prove the service of Annunda Row at the Durbar at the time alleged, amongst these was Mr. John Batley. It was also attempted to discredit and invalidate the testimony of Arnachetta Row and Beemah Row, by proving the discordance of their evidence upon former occasions, their being guilty of perjury was even presumed, *from government's having ordered them to be indicted;* a circumstance upon which great stress was laid, notwithstanding the bills had not been found against them by the grand jury.

Upon the cross-examination of the witnesses for the defence, it appeared evident that the

* See the Letter of Hussam Ul Mulk to Sir Thomas Strange, with a memorandum to serve as an explanation thereof. Appendix, No. 10.

custody of the dufters had been very loosely kept, and that Reddy Row had had too free access to them. Upon the examination of the commissioners, it also came out, that when the dufters came into their charge, some of them were without locks and keys; and that after they were in their custody, the keys were not kept by themselves but left to the care of their servants.

Excepting Mr. Batley, none of the principal servants of the Durbar proved the service of Annunda Row at the time in question: and particularly Madaputy Tremal Row, a head Serishtadar in the Dewaney department, and a witness that the defence relied upon greatly, and upon whose testimony the chief justice, in his summing up, laid particular emphasis, positively swore that he had never seen Annunda Row in Barrett's office in the Durbar. With regard to the attempt to prove the pecuniary transaction between Gopal Row and the Durbar, by means of copies of receipts from the house of Lautour and Co. which Reddy Row produced from the dufters, and by the production of the books of Lautour and Co. in evidence, as the gentleman who was a partner in the house at the time of the pretended transaction, was still at Madras, and not called upon to prove it: it appeared to be so weak a

defence that the Chief Justice did not even notice it in his summing up.—And it is something remarkable that Mr. George Arbuthnot, at present a partner in the house of Lautour and Co. who was examined in the investigation before the commissioners in support of the claim, should not have been called as a witness upon the trial; because if his testimony went at all to the support of the claim upon the former occasion, it would have equally benefited the defence upon the latter.

The defence was closed on the 28th of November, when Mr. Marsh, council for the prosecution, replied, and the Chief Justice intimated to the jury that it would be necessary for him to adjourn the court till the 30th, that he might arrange his notes for the summing up of the evidence. On Wednesday, the 30th of November, the court was again adjourned till Friday the 2d of December; on which day it was again adjourned to Monday the 5th. On Monday it was once more adjourned to Wednesday the 7th, when the Chief Justice came in prepared to sum up the evidence; but two of the jury being sick, the court was again adjourned till the following day; and from that till Friday the 9th of November, when after a summing up that lasted seven hours and a half,

the jury retired, and in about twenty minutes returned a verdict of guilty.

As the advocate-general rested the defence chiefly on the Dufters, or records of the Durbar, it will be proper here to explain how they are kept. All the accounts and transactions of the Durbar are kept and recorded upon narrow strips of paper about fifteen inches long and four inches wide: the papers relating to the same account or transaction loosely tacked together by a thread at the corner; so that nothing is easier than to withdraw, substitute and interpolate papers: in a word to falsify and fabricate them, to make them correspond with any spurious claim. Nothing can be more unlike the records of European public offices, and the books of a merchant's counting-house, to which the advocate-general always compared them in point of weight and authenticity. For any one, the least acquainted with business, knows that it is almost impossible to falsify a merchant's books without detection.

It is important also to observe, that the Chief Justice in his summing up stated, "that "the commissioners being appointed by the supreme government acting under the deed of covenant executed by the East India Company, "and the private creditors of the nabobs of the

" Carnatic, and sanctioned by act of parliament, " ought to have the exclusive cognisance of all " matters connected with the claims of which " they have the investigation; that he had his " doubts whether his majesty's courts of judica- " ture were competent to take cognisance of the " forgery of a bond, which the commissioners " had investigated and had judged to be a good " one; and that whatever might be the verdict " of the jury, the commissioners were competent, " and it was their bounden duty to recommend " the bond to the commissioners in England as a " good and just one, if they in their judgment " deemed it to be so."*

The prosecutors on this trial had every difficulty to contend against, that wealth, power, and interest could oppose to them. The wealth of Reddy Row was profusely scattered in suborning witnesses. The power of government was avowedly exercised in the defence of the prisoners; as was the influence of the nabob and of the commissioners; the effects of which upon some of the witnesses, was but too visible during the trial. To the prosecutors every aid was refused by the commissioners: they resisted, as has been already stated, even the production of the forged bond, until compelled

* See Appendix 20, Extract from Sir B. Sullivan's Speech, in which he delivers a very different opinion.

to it by the court; on the other hand, two of them regularly attended the defendants upon their trial, and took their seat near Mr. John Battley, at the table with the law officers, in order to assist them in conducting the defence.

The adjournment of the court for nine days after the evidence on both sides had closed, whilst the jury were dispersed, did not pass without observation. The advocate-general seemed to be aware of the impropriety of such a procedure, and took an opportunity in court to ascribe it in part to the indisposition of the Chief Justice, which excuse was repeated by his lordship from the bench, though it is singular that the Chief Justice was at a public entertainment given by the Commander in Chief upon the 30th of November; that in the interval betwixt that day and Monday the 5th of December, he had interviews of considerable length with the law officers of government, and that on that day, notwithstanding it was very rainy and tempestuous, he came to his chambers in the fort, situated at least three miles from his country-house, and there transacted business with the law officers.

It must not be forgotten, that this same jury, which determined upon the accusation against Reddy Row, received at these sessions the greatest commendation from the Chief Justice

for their penetration and sagacity in discovering the innocence of a prisoner who was unjustly accused of murder. The consequence of their acuteness and attention to their duty on that occasion was, that the accusers themselves were put upon their trial for the same murder, found guilty and executed. They had none of them any immediate connection with the fund upon which the forgery was committed; and if indeed they could be suspected of any bias, it must have naturally inclined to that side of the question to which government, by their own activity, and that of their law officers, evinced themselves to be so well disposed.

From some glaring inconsistency which the prosecutors had observed in the informations given by Mr. John Battley, in the investigation of Reddy Row's claim before the commissioners, and from the close connection that was known to subsist between him and Reddy Row, the prosecutors apprehended that he would go great lengths to get his friend and confederate acquitted. Mr. Battley, accordingly, attended the whole of the trial, and being the last witness examined, came fully prepared to support and strengthen the weak, and fill up the defective parts. In a word he appeared to be brought not to speak to one or two points, but to sup-

ply every thing that appeared wanting in the preceding evidence. Accordingly, although he had been only in a very inferior and subaltern situation in the Durbar during the whole of the reign of Omdut Ul Omrah, yet he knew every thing, and gave testimony in support of every part of the defence.

The consequence was that a bill of indictment for perjury was preferred against him, and found at the same sessions: the perjury being assigned upon that part of his evidence, which deposed to the fact of Annunda Row's presence and service at the Durbar of the late nabob. It appearing, likewise, from some of the circumstantial evidence on the part of the prosecution, that Mr. Battley and Reddy Row had conspired to pass upon Venaigum Moodelliar a forged bond, purporting to be a nabob's bond, another bill of indictment for a cheat and conspiracy was on this account preferred and found against them.

After the verdict upon the 9th of December the court was adjourned till Monday the 12th, during which time the defendants, by consent of the prosecutors, were left at large upon their recognisances. Immediately on the court's meeting the advocate-general moved for a rule to shew cause why a new trial should not

be granted, upon the ground of the verdict being contrary to evidence, and *contrary to the directions of the judge*: and notice was at the same time given, that he would move in arrest of judgment.

As Mr. Marsh had left the presidency to attend a court-martial at Bangalore, Mr. Gahagan, on the part of the prosecution, acquainted the court, that not having been employed in the trial, and not being master of so voluminous a subject, he was not then prepared to argue the question: on which it was agreed to postpone the argument upon the motion, until the ensuing sessions of oyer and terminer; the Chief Justice declaring that such motion should be maintained in sessions and not in term. Mr. Gahagan, on the part of the prosecution, consented that the defendants should on this occasion continue at large upon their recognizance, the Chief Justice at the same time declaring, that he did not require his consent to such a measure, but should order it of his own authority.

In this stage of the business, the prosecutors dreading that misrepresentations might be spread abroad, were desirous that the trial should be published, in order that all might judge of the justice of the verdict. Accordingly they sent an advertisement to the Madras gazette, giving notice to that effect, which was

expunged by the chief secretary to government, who at Madras is *ex officio* licenser of the press. They then applied formally to government, and they were informed in reply that the governor in council deemed it inexpedient to sanction the proposed publication*. Although the reply given was somewhat ambiguous, and was evidently meant to be so, yet to the editor it appeared that it was most distinctly to be regarded as a prohibition, and Mr. Marsh, who afterwards applied to government for the same permission, met with a similar refusal. This gentleman indeed applied in the course of the next term to the supreme court for their permission to publish both trials, which was refused by the Chief Justice, without any reason assigned, though Sir Benjamin Sullivan readily granted his assent, and assigned such reasons for it, as every Englishman must honour and revere†. The publication, however, was suppressed by the casting vote which the chief justice possesses under the constitution of the court, there being only two judges present. The next quarter sessions were fixed for the 4th of January,

* See Appendix, Nos. 9,10..

† See Appendix 20, containing Sir Benjamin Sullivan's Speech, on this subject.

1809. In the interim great exertions were made by the defendants and their supporters to meet the approaching trials.

Prior to the first trial of Reddy Row, the law officers of government had applied to Mr. Ravenshaw the collector of Arcot, through the board of revenue upon the subject of Annunda Row, who on enquiry found that Annunda had in fact resided in the district at the time stated on the part of the prosecution, and reported the same accordingly. There is not perhaps in the service a more honourable and upright man than Mr. Ravenshaw, none more completely unconnected with the creditors of the nabob; indeed when he received the order to make the enquiry he had not the most distant suspicion of the purpose for which it was set on foot.* As his report, however, was not favourable to the defence, it was of course suppressed, though the counsel for the prosecution, who had become acquainted with the transaction, publicly challenged the law-officers of the company either to contradict the story or to produce Mr. Ravenshaw's letter.

On this second trial, however, it was determined to make still greater exertions; with this view Mr. Wm. Saunders, a servant of the company was deputed by government at the suggestion of their law-officers, to the dis-

* See Appendix, No. 19.

tricts where it had been proved, upon the trial, that Annunda Row had resided during the whole time it was alleged he was at the Durbar at Madras. His instructions were, to procure information upon the subject, and to send to Madras such persons as might appear to him to be necessary upon the trial. Veneatta Row, a witness for the defendants upon their trial, and employed as their agent upon this occasion, was dispatched beforehand to the same village to prepare the inhabitants for his reception. Nay, even the defendant Annunda Row himself left the jurisdiction of the court where he was under recognizance, and with the knowledge of the law-officers repaired to the same place.

The parties met at Manoorgudy, and fifteen or twenty miserable wretches were dispatched to give evidence upon the trial of Battley, whom Veneatta Row and Annunda Row produced to Mr. Saunders, prepared to declare to him, that they had never known the defendant Annunda Row. It is not the least extraordinary circumstance attending this strange proceeding, that Mr. Saunders should have gone to Manoorgudy in preference to Chillambrum, in quest of the desired information, considering that in the late trial it had been proved that Annunda Row had resided some years at the latter place, and only a few months at the former.

The commissioners still contributed their aid, in concert with the law officers, to uphold the defendants, Reddy Row, Annunda Row, and Mr. Battley; for instead of acknowledging their error, with regard to the integrity of the two former, they wrote a public letter to government, animadverting upon the verdict of the jury, and upon the finding of the bills of indictment by the grand jury against Mr. Battley, recommending that the whole should be defended upon their trials by the law officers of government.

Upon the 9th of January, Mr. Marsh, for the prosecution, was heard against the motion for a new trial in sessions, and particularly before the same judge that presided at the trial; he argued also against the new trial, upon the ground of the jury being the only true constitutional judges of the facts, and of the credibility of the witnesses, stating that there was abundance of witnesses in support of the facts, not one of which had been impeached. He moved the court at the same time, for the commitment of the defendants. On these subjects, the chief justice, after eight days consideration, ruled "that it was competent to the court to entertain the motion for a new trial in sessions, but that as an appeal had been made to his delicacy, he having presided at the past trial,

he would hear it argued in term." He at the same time argued his right to exercise his discretion as to the commitment of the defendants; and he ordered them to be left at large upon their recognizances.*

Upon the 20th of January came on before a special jury, summoned upon the motion of the counsel for the defendant, the trial of Mr. John Battley, for forgery, which lasted eight days. The evidence on this trial on the part of the prosecution, was the same as was adduced to prove the issue in the former trial, with the addition of ten or twelve fresh witnesses from Chillambrum and Manoorgudy. The evidence on the part of the defence was likewise the same as they had brought formerly with the addition of the fruits of the Manoorgudy mission. These witnesses prevaricated and contradicted themselves so much, that their perjury, manifest to the jury, as well as to a numerous audience, served only to encrease the confusion of the defence.

It is important here to remark, that Madaputy Tremal Row, a witness for the defendants, the same that has been particularly mentioned in the account of the former trial, again most

* See Appendix, No. 13, being an account of these proceedings, given by the agents for the creditors to the commissioners appointed to examine into the nabob's debts, residing in London.

unequivocally swore that he had never seen Annunda Row in colonel Barrett's office, at the Durbar, at the same time that Narrain Row, a witness that had been called to prove all the papers in support of the defence upon the three trials, and who was proved to be in the same office at the Durbar, with Madaputy Tremal Row, as positively swore that he used to see Annunda Row there.

In this trial the chief justice summed up immediately after Mr. Marsh had finished a very able reply. In the course of the observations he directed to the jury, he dwelt greatly upon the weight due to the testimony of the witnesses that had been procured by the government mission to Manoorgudy;—the jury, however, after two hours consideration, returned a verdict of guilty, recommending the defendant to mercy, on account of his former unimpeached character.*

The court was then adjourned to the 6th of February, when the chief justice declared, "that the jury having recommended Battley to mercy, and his case being connected with that of the other two defendants, he should make his report upon all three to his majesty, and in the mean time leave them at large upon their recognizances." This verdict, how-

* See Appendix, No. 14, Letter from the agents of the creditors transmitting a list of the jury.

ever, which entirely confirmed the former, had the effect of inducing the advocate-general to abandon his motions for a new trial, and in arrest of judgment.

A circumstance happened on this occasion, which perhaps more than any other displays the strong bias that throughout influenced the measures of government. At the conclusion of the trial, an application was made to government by Mr. Robert Orme, and recommended by the commissioners, for the payment of 1300 star pagodas, expended in the Manoorgudy mission, to defend a man convicted of perjury. This sum was immediately ordered to be paid, and charged upon the funds set apart for the benefit of the private creditors, though Sir George Barlow treated with contemptuous silence an application for reimbursement on the part of those creditors who at a great expence had successfully detected these forgeries on the common property.

To give a true picture of the scenes that occurred, it is also necessary to relate, that previous to the commencement of this trial, it was proved upon the oath of Mr. John Tulloh, that his house had sold one-seventh share of the bond proved to be a forgery, to Mr. Anstruther, the advocate-general; while on the former trial it had been proved on the evidence of Mr.

Brodie, that the bond had long ceased to be the property of Reddy Row. Astonished at these facts, recollecting that Reddy Row had deposed before the commissioners, that it was his property, not knowing what subornation to suspect, or how dignified the suborners might be, the prosecutors on the day after the conviction, applied to the commissioners for copies of certain informations taken by them in the investigation of Reddy Roy's claim. To which request the commissioners expressing their deference for the verdict of the special jury immediately acceded. Though three days afterwards when the prosecutors applied for further papers which the commissioners had intimated to them through their writer, they might have, they were refused, without any reason being assigned for it.*

It will naturally be imagined that something very extraordiary must have intervened to occasion this sudden transition from the high respect for the verdict of a special jury, which the commissioners entertained on the 3d of February to their reducing that identical verdict below the level of their own opinion upon the 7th of the same month; and to induce them so suddenly to depart from their acquiescence

* See Appendix, No. 15.

in granting the copies of the papers that were required.

In fact the decision of the chief justice took place on the 6th of February, and a conference was immediately afterwards held between the commissioners and the advocate general. It is probable therefore that to the decision, and to what passed at this conference are to be ascribed this sudden alteration in the line of conduct which they had adopted. Indeed, emboldened by the language which fell from the bench, and probably urged by the advice of the advocate general, the commissioners on the same day made a formal complaint to the governor in council against Messrs. Roebuck, Parry, Abbot and Maitland, for the impediments and interruptions they had thrown in the way of their investigation, of which the very letter they had before replied to with so much cheerfulness and good will, is made the foundation, though they took no notice of their own letter of the 3d, which they had written in reply.*

The January sessions were adjourned upon the 2d of February to the 23d, on account of the term, and again from the 23d of February to the 2d of March: in this interval the de-

* See Appendix, No. 16.

fendants Mr. Battley and Reddy Row, attempted to elude the trial upon the prosecution of Venaigum Moodeliar by buying him off; a compromise was actually made between them; and a warrant of attorney given to another solicitor, Mr. Fownes Disney, the brother in law of Mr. Anstruther, the advocate-general, authorizing him to withdraw the indictment.

An affidavit to these facts was filed in the supreme court, upon the 22d of February by Mr. Abbot and Mr. Light, and in consequence a rule to shew cause why an attachment should not issue against Mr. Battley and Reddy Row was granted. This measure alarmed the parties, and put a stop to any further proceedings upon the compromise. The trial accordingly came on before a special jury, summoned upon the motion of the defendants on the 2d of March, and on the 6th, the jury returned a verdict of guilty against both defendants.

In this trial it was proved on the part of the prosecution, that at the time of the late nabob's death, Reddy Row owed to Venaigum Moodeliar the sum of 15,500 pagodas, that Venaigum pressed him for payment, and could not obtain it, that two or three months afterwards he brought an action of debt against

him in the supreme court, and took out a capias; that in order to avoid this process, Reddy Row shut himself up in his house, and remained in that state of confinement about nineteen months, during which time he had seen Venaigum once, and sent frequent messages to him imploring him to withdraw the process against him; that at the end of this time Venaigum was sent for to Mr. Battley's house, and that Mr. Battley begged him to allow Reddy Row to come there without molestation, to which he agreed: that Reddy Row accordingly came there: and that Mr. Battley produced to Venaigum a Persian paper, said to be a nabob's bond, for pagodas 15,500 in his own name, which they pretended Reddy Row had procured from the nabob; that Mr. Battley assured him that the bond was a good and true one; that he knew it to be so, and advised Venaigum to take it in satisfaction of Reddy Row's debt; that the bond was translated by Mr. Battley into English; that it set forth that the money lent by Venaigum to Reddy Row had been applied as follows: viz. that 4500 pagodas had been paid to Mr. Fitzgerald the nabob's physician, on account of his tunkahs, and 11,000 pagodas to the payment of the Company's Kist, and that some days after two English receipts, written by Mr. Fitzgerald, for the amounts be-

fore mentioned were given to him as vouchers; but that the receipts bore dates prior to the loan from Venaigum to Reddy Row; and that when Venaigum remarked this, it was explained to him by Reddy Row, "that he had previously "borrowed money from other persons to pay "Mr. Fitzgerald, and had afterwards applied "the money borrowed from him to replace "those sums."

Throughout his examination in chief, and upon his cross examination the prosecutor emphatically declared that he accepted the bond upon the assurance given him by Mr. Battley, that he knew it to be a good and true bond.

During the time that Reddy Row was concealing himself, Chinniah Moodeliar, a native of the first respectability, and having no interest whatsoever in the nabob's debts, proved that he had interposed his good offices between him and his creditors, and that when he advised the former to satisfy his creditors, by giving them security of nabob's or Rajah's bonds, he unequivocally declared that he had no such bonds.

Tremal Row proved an interview at the Durbar soon after the death of the nabob, when it appeared that Reddy Row had no

bond from the nabob, nor any security, but an assignment upon the crops which had been assumed by the company. Mr. W. D. Brodie, proved that he had acted some years as agent to Mr. Fordyce in collecting and transmitting to him the claims of creditors upon the nabob of the Carnatic, that a claim of Reddy Row's for pagodas 87,703, 23, 20 upon a balance of an open account current had been preferred through him in July 1802;—that he understood that Reddy Row had no claims upon bonds at that time; and that it afterwards appeared to him that the same balance was claimed a second time in the form of bonds.

On the part of the defence, the truth of the bond was attempted to be established by the evidence of other Saucars who had lent money to Reddy Row, and who had at different periods subsequent to the death of the nabob, accepted bonds similar to that preferred to Venaigum in satisfaction of their demands; and by the evidence of Narrain Row, the same witness that proved the dufters in the former trials, who in like manner attempted to prove in the trials, several documents produced from the dufters in support of the bond. It appeared, however, very clearly upon the cross examination of the Saucars that they by no means accepted the bonds from a conviction that they

were good and true nabob's bonds, but because they thought their debts desperate, and that this was their only means of recovering any part of them. One of them after having prosecuted Reddy Row received a considerable portion of his debt in ready money: and all but one took written engagements from Reddy Row, to indemnify them in case their nabob's bonds should not be passed. All too betrayed very great inconsistency in their depositions, and that of Veneram Dave in particular was a tissue of the most glaring contradictions and prevarication from beginning to end. In a word it appeared manifestly that they were interested in the acquittal of Reddy Row.

Upon the second day of this trial an objection was taken by the advocate general to the wording of the indictment, which described the prosecutor as Sadras Venaigum Moodelliar, whereas the bond described him simply as Venaigum Moodelliar. The question was argued but not much at length, and the chief justice postponed the decision of the court upon it until the ensuing day, when he declared his opinion that the objection taken by the counsel for the defendant would be fatal to the indictment, but that it was not the proper stage of the trial in which to move it, unless the counsel for the prosecution would

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consent to quash the indictment they were trying, and send in a new bill to the grand jury. Mr. Marsh being confident that the objection was futile, did not adopt the suggestion of the chief justice, and the event justified his discernment. The trial went on, the advocate general indeed gave notice that he should move in arrest of judgment after the trial, if the verdict should be against him. *The verdict was against him, he did not however move in arrest of judgment.*

When the verdict was pronounced, the counsel for the prosecution moved for the commitment of the defendants. The advocate-general opposed the commitment upon the ground of the notice which he had given that he should move in arrest of judgment. After a few moments consideration, the chief justice declared that he must commit the defendants, unless the prosecutors consented to their remaining at large:—this was refused, the defendants were committed; and the court was adjourned to Wednesday the 8th of March.

From the commitment of the defendants, the prosecutors and the public were led to believe that a third verdict pronounced against the same parties had determined the chief justice to carry the law into execution against them. He had however a long interview with

the governor, Sir George Barlow, on Tuesday, the 7th of March: and on the following day when the defendants were brought up, the chief justice pronounced his resolution to refer this verdict, as he had done the two former ones, to his majesty, and to leave the defendants in the mean time at large upon their recognizances.

Such was the effect of these three verdicts upon the mind of the chief justice,—the judge could not agree that this triple conviction ought to abridge the liberty of Reddy Row, so neither did the commissioners admit that it ought to diminish his credibility. He continued after three solemn verdicts against him to walk the streets of Madras in triumphant defiance, attended as usual at the office of the commissioners, and disposed by his evidence of that property against which he had directed the united efforts of perjury and illegal combination. It was for some time doubtful whether the bond itself would not have been left in the hands of the commissioners; and by them recommended for the sanction of the commissioners in England: the chief justice contended that notwithstanding the verdicts of juries the commissioners were bound to recommend the bond as a good one, if they in their judgment deemed it to be so. Sir Benjamin

Sullivan, the other judge, delivered a totally opposite opinion, and to his opinion the chief Justice at last subscribing, the bond was taken out of the custody of the commissioners and delivered up to the court.*

Thus the government of Madras embarked in three law suits in which they had not naturally the most distant concern, and after every influence of expence, intimidation, and irregular agency, had been tried in vain, found themselves defeated in all points; but the government of Madras was not so constituted as to endure the fair restraints of justice with patience; and the most severe and unheard-of revenge was prepared for those, who had been the instruments by which these restraints were imposed. The first victim to the irritated passions of the government, was Mr. Benjamin Roebuck, mint-master, and military pay master-general in both of which situations his conduct had been more than once highly commended by the government. This gentleman, near 60 years of age, who had served the company honourably for thirty-five years, was suddenly ordered from Madras, where he had resided during the whole of his stay in India, deprived of both his offices, and sent up to Viza-

* See Appendix, No. 20.

gapatam five hundred miles from Fort St. George, with a salary reduced from 1000 pagodas per month to 350. The manner in which this cruel transaction was carried into effect, is so very characteristic of the proceedings of the Madras government at that period; and the letter of the unhappy man (who foresaw his approaching death), so simple and respectable, that both the mandate of Mr. Buchan and the last petition of Mr. Roebuck, before his decease, are well deserving of the most serious attention.*

It seems natural to English feelings to suppose that the humble appeal of an old and honourable servant of the East India company, might have met with some attention, and that it could not be considered as derogatory to the dignity of any colonial government to assign a cause for punishment, and to afford the opportunity of excuse and explanation before that punishment was inflicted. No answer was given to his petition, Mr. Roebuck was hastened away to Vizagapatam (and as every body foresaw would be the case) soon fell a victim to a broken heart, occasioned by the severity of the treatment which he had thus unjustly experienced; a death too sudden and too cruel for an English gentleman who had been

* Vide Appendix, No. 17, 18.

guilty of no other fault, than an appeal to the law in defence of his property, and who had even receded from that appeal the moment in which he had found it to be obnoxious to the government.

After the death of this truly amiable man, the next victim singled out was Mr. Parry, a respectable merchant who had resided above twenty years in Madras, and who as has before been stated had been selected by the bonâ fide creditors of the nabob in common with Messrs. Roebuck, Abbot, and Maitland to watch over their interests, and prosecute any forgeries upon the fund set apart for the benefit of those who had really lent their money: if a merchant can in any manner be ruined, it must be by a sudden and peremptory exile from the scene of all his speculations and engagements; Mr. Parry was accordingly ordered to embark on board the first ship that sailed for England, and this without any cause assigned, and without the slightest opportunity afforded of bringing Sir G. Barlow to any explanation of so violent a proceeding; it is necessary that a licensed resident in our East India colonies should receive a year's notice before he is sent home; it so happened, however, that an order for the return of Mr. Parry had been sent out nine years before from the government at home: but as this had ori-

ginated entirely in misconception, it had never been acted upon and had been long since revoked. The pretence of its existence, however, was the plea upon which this order amounting to his total ruin was issued to Mr. Parry.

Mr. Maitland was immediately after deprived of his office of justice of the peace, Mr. George Strachey and Mr. I. A. Grant who had served upon the grand jury that found the bills against Reddy Row and Battley, Mr. Oliver, and Mr. Keene who had served upon the special juries that tried these defendants, Mr. Wood and other civil servants] who had attended the trials, or expressed opinions upon them were all deprived of their situations at Madras, and banished to the most remote parts of India, nor could the most earnest prayers and entreaties of these unfortunate gentlemen break through the silence of the government. In a moment they were mysteriously deprived of their station and their subsistence; the object seemed not only to punish but to goad with every species of mortification, and the alarming spectacle was exhibited of an English government not calmly inflicting pain for the restraint of evil, but vindictively delighting in the amazement of its victims.*

* See Appendix 19. Letter from the agents to the commisioners in London,

As it appears impossible to justify this disturbance of public justice, and this system of juridical resentment upon any common principles, recourse has been had by the agent of the Madras government (sent over for the express purpose of defending the measures of Sir George Barlow) to the supposition of disaffection among the civil servants: and the whole of these trials are represented to have been a combination against the wishes of Sir George Barlow, an organized conspiracy of the civil servants of the settlement to defeat the ends of justice, and to bring the government into contempt.

The difficulty in this supposition is to find any possible motive for such a combination. The conspirators (if any) were the bonâ fide creditors who were in the proportion of one to seven, to the ostensible creditors: the minority against the majority, the investigation of the guilt of Reddy Row was commenced on the part of the prosecutors with the certain knowledge that some of the first people in the settlement were holders of forged bonds (purchased by them as real ones) to the amount of sixteen or seventeen lacks of pagodas. If ever there was an improbable ground for a conspiracy it was a declaration to the community at large that six sevenths of a species of property widely diffused among them

was worth nothing at all, nor is it possible to understand how such a diminution of men's hopes, and such a destruction of their supposed property could be made rallying points for the disaffection of the settlement.

If indeed the unhappy disposition of the government to interfere, when they had no natural interest, had taken an opposite direction; if they had defended the interests of the small number of real creditors against the widely extended forgeries by which the value of their property was diminished, there might then perhaps have been some risk of public irritation: but in these trials government took the part of the many against the few, and succeeded in turning mens minds to the side of justice, only because such interference of government, in any degree was deemed unjust and (as it was conducted) intolerable.

If every thing which took place in these trials was the consequence of disaffection, why was Mr. Batley recommended to mercy by the jury? Why was the bill found against Poupiah? Why did the second grand jury find another bill presented by the government officers? Six bills only relative to these concerns were presented to the grand juries, three by the law officers, and three by the agents for the private creditors. The law officers succeeded

in two bills and failed in one. The private creditors succeeded in all three. It does not appear from all this how there could be a disposition to refuse justice to the side espoused by the government, nor does there appear in such a statement sufficient reason why grand jurymen acting upon oath should be exposed to those vindictive punishments by which they were afterwards attacked.

The sentiments of the petty juries were never put to the test by government, for of the two bills of indictment found, which were psesented by their law officers, neither was prosecuted any farther. These trials, however, might have been made a mere pretence, and if the disaffection existed, any cause, however trifling and insignificant, might have been sufficient to develope it; a general system of economy recommended by the East India Company had been pursued by Sir George Barlow, and the discontent which this is said to have occasioned, has been represented as the cause of that supposed disaffection which is said to have displayed itself in the trials. It is remarkable, however, that of all the civilians displaced by Sir George Barlow, and who must therefore be presumed to have been the most eager in this imaginary opposition, not one had sustained, or was

threatened with the slightest diminution of his income, or had the most trifling grievance of this nature to complain of. After this plain and indubitable fact, we ought to hear no more of disaffection produced by economy; of this economy, on the contrary, there was a very candid approbation in the settlement, proceeding from a conviction of its absolute necessity. If Sir George Barlow had conducted himself with the same temper and discretion upon all other points as he did in carrying into effect the economical arrangements of the Company, Madras would still have been the same flourishing and happy settlement in which it was before its prosperity was consigned to his care.

The conduct of the government in these trials, wants some extraordinary circumstances for its justification, the agents of that government clearly feel that unless they can set up some unusual pretext for the extraordinary violence of which it has been guilty, that it must attract public attention, and recoil upon the heads of the aggressors. Every body knows that the army in India mutinied, and advantage is taken of our careless inspection into the affairs of the east, to disseminate a confused and general notion that Sir George Barlow was driven into these measures by the agitated state of government during the mu-

tiny, by the necessity of keeping up its importance, and by the ignorance in which he was whether there might not be some connection between military revolt and civil opposition.

But these civil differences began in the middle of the year 1808. The mutiny did not break out till the middle of the year 1809. Information was laid of Reddy Row's forgery in July 1808. The plaintiffs were threatened by government in October, the bill was found in the same month, the first verdict was given against government on the 9th of December, the second on the 28th of January 1809; and on the 13th of February 1809, it was first understood in the settlement that there was any species of disagreement between government and the commander in chief; before this period, there was not the most distant suspicion of such an event. So that government and the private creditors, the grand and petty juries had in the two first trials all resolved on, and acted their respective parts before this disagreement with the army had the shadow of existence, though this disagreement is relied upon to explain and to vilify the motives of those who were opposed to government in these trials.

The last trial which grew necessarily out of the others, took place on the 6th of March, and terminated as the others had done. The indictment

was preferred before the grand jury on the October of the preceding year, and the verdict was given by the same special jury, which had been impanelled in the second cause.

There never was in fact so shameless a defence of improper proceedings as this defence of the injustice of the Madras government, by the supposition of a combination between the civil and the military. There is no overt act which proves it, no secret connexion was ever brought to light, which regarded it: no letter was ever known to be sent, no meeting ever known to be held between these two descriptions of the company's servants. No individual civilian was ever tried for it, or ever accused of it; Sir George Barlow has not in any of his public papers, made the most distant allusion to it, nor is it mentioned by Lord Minto, who cannot be accused of omission in his publications relative to the late mutiny. It in fact was never heard of till it started up in this country as a plausible excuse for the scenes of injustice and oppression which were about to be developed: it then seems for the first time to have occurred that the way to make injured men odious, was to call them disaffected.

But to what purpose or for what object could this display of disaffection be made by large bo-

dies of civil servants in India? What could they hope to get? where to go? or what to do? if the dominion of the company was destroyed, with it must perish all their hopes of acquiring wealth, and of returning to their native country. There never was any body of agents so completely subjected to the power of their employers, and so completely identified with them in point of interest. If the conspiracy failed, the leaders would have been ruined, if it succeeded all would have been ruined: men with arms in their hands, are liable at all times to fits of irritation and excess, but to foster a general spirit of discontent among the civil servants in India, and to have trained them to a systematic opposition to the will of government, must have been at any time regarded as the extreme of every thing that was incongruous, absurd, and impossible.

In truth there never were any causes where the investigation was more complete, or the efforts of the juries to do justice more exemplary; they knew that the eyes of all persons were upon them, they were selected as the ablest, and most upright men in the settlement, and their resolution to decide as their conscience might dictate to them, was not to be shaken. Government found when too late that

they had done wrong in becoming parties to a cause where they had no natural interest, and that the same servants of the company who on ordinary occasions were entirely at their disposal, could not, and would not sacrifice their sense of right and wrong, when called upon as jurors, to the arbitrary will of any human being; how to extricate themselves from their errors they knew not; the only remedy they applied was perseverance in it, and that perseverance naturally conducted them to those acts of tyranny which this narrative has related. "I "was three and twenty years," says Sir Benjamin Sullivan, "a confidential servant of the company under this government, and feel an "habitual leaning towards them; I am not "therefore inclined to impute any thing to "them beyond imprudence, but imprudent I "am afraid they have been in taking any "part in a cause, which seemed to call on "them for a steady and determined neutrality, and had I still been their attorney "general, this is the conduct I should have "advised." Happy would it have been for Sir G. Barlow had he listened to such prudent and rational advice. But in his opinion, that authority and respect which had been

lost by folly was to be retrieved by cruelty, every opponent was at once swept away before him, and a principle was assiduously propagated throughout the settlement, that the law (useful only for the litigations of subjects) should be silent and submissive, when once the pleasure of government was declared: a doctrine which could not be tolerated here, and from the tremendous effects of which men quietly doing their duty in distant colonies ought to be protected.

Considering the violence of which he has been guilty, and the perils to which he has subjected our Indian empire, Sir G. Barlow has been hitherto treated with a consideration which he certainly does not deserve. He is not naturally a bad man, and nobody has ever imputed to him any corruption in his motives, or his actions, but he is a man of moderate understanding, and unbounded vanity, with a fervent desire to act, with a great ignorance how to act, and with as little suspicion of his own defects as ever entered into the contemplation of a human being; as a second in office, he gained, and was entitled to, real credit; he was observant of forms, accurate in details, and patient of labour: with these qualities, these praises, and with the self-importance which they naturally inspired, he succeeded to the government

of the southern parts of India, and the command of a vast army. He first failed (as ordinary men commonly do fail) in the choice of his advisers, and then in the choice of his measures; some little deference to men's feelings, some study of their characters, and some knowledge of their passions would have easily carried him through the trifling difficulties which presented themselves to his attention, but all these things were beyond the routine of office to which he had been accustomed, and foreign to the notions of dignity which he had cherished; whatever happened he had no other resource than an order transmitted by the chief secretary; if this failed he had recourse to another order, still more violent and more ungracious; and at last, was often driven for refuge to the borders of lawless violence and outrage.

For the servants of the company whether civil or military, he had only one distinction. Those who approved of and praised all his measures; and those who did not. Of the latter there was but one class: respectful remonstrance, official information, zealous advice, lawful appeals, conscientious resistance in the discharge of duty, were all confounded with open rebellion; all marked with secret infamy to the government at home, or

punished on the spot with banishment, and poverty.

Such are the means by which this unfit person has attempted to govern one of our most valuable colonies; of the consequences we are all too well informed. In eighteen months after Sir George Barlow succeeded to the government of a quiet settlement and a loyal army, eighty thousand men were in open rebellion against him; and almost every civil servant of respectability banished from his presence, whilst an example has been given which no time will ever obliterate: for the lesson of disaffection which Sir G. Barlow first taught the native troops, by tampering with them to resist their European officers, is now fast spreading throughout our Indian army, and laying the foundation of future scenes, which no one who hopes or fears for our Eastern possessions, can contemplate without horror.

APPENDIX.

No. I.

Memorandum of Claims preferred by Reddy Row before the Commissioners.

1798, 26th July.	Bond essigned by Gopal Row to Reddy Row . .		38,500 0 0
1799, 28th August.	Ditto, Ram Row Putmaja to ditto, of which 5000 was paid		37,445 0 0
1800, 13th April.	Ditto in favour of D. Moorlapah assigned to Reddy Row	26,443 0 0	
21st October.	Ditto.	23,000 0 0	49,343 0 0
1801, 9th May.	Ditto in favour of Reddy Row	11,800 0 0	
26th Ditto.	Balance due on open account in favour of Reddy Row, assigned over to D. Moorlapah	87,703 23 20	99,503 23 20
3d June.	Bond in favour of Moorlapah	60,050 0 0	
13th Ditto.	Ditto assigned by Antiapah Naig to D. Moorlapah	1,298 0 0	
	Ditto S. Vincatasah Chitty to ditto	16,500 0 0	
	Ditto in favour of D. Moorlapah	3,377 9 0	
19th Ditto	Ditto assigned by Narrain Chitty to Reddy Row	9,447 0 0	
21st Ditto.	Ditto by Yeveja Dava, do.	13,945 0 0	
23d Ditto.	Ditto by Narrasmgah Row, ditto	5,193 22 40	
24th Ditto.	Ditto assigned to D. Moorlapah by M. Aunnt	15,570 0 0	
26th Ditto.	Ditto by Boojunga Row to D. Moorlapah	5,193 28 0	
27th Ditto.	Ditto in favour of D. Moorlapah	38,500 0 0	
28th Ditto.	Eitto assigned by Juvana Naig to D. Moorlapah	7,880 0 0	1,76,954 17 40
	List of bonds said to be included in the account of open balance for SPs,87,703 23 20		
1801. 1st May.	Moorle Doss	6000 0 0	
	Coloor Vincata Narrain	4000 0 0	
17th June.	Vervanada Jawker	21,400 0 0	
	Venoyagum	15.500 0 0	
	Virdarajah	5,700 0 0	
	Rama Chundiaput	5000 0 0	
	Duatajie Moorlapah assigned to Dr. Davies	25,800 0 0	
	Praboo Doss	3,300 0 0	
	Boojunga Row	1000 0 0	S87,700 0 0
			4,89,445 40 60

No. II.

Fort St. George, 20th August, 1808.

Address to the Governor in Council, from the Agents of the real creditors of the Nabob, stating the bad consequences which may arise from the interference of Government in the approaching Trials.

To the Honourable Sir George Barlow, Bart. and K. B. Governor in Council.

Honourable Sir,

1. We hope we shall be excused for troubling your Honour in Council upon a subject in which the interests of those who are really creditors of the late nabobs of the Carnatic, is materially concerned,as well as, though more remotely, that of the Honourable the East India Company.

2. It is a notorious fact that claims to an enormous amount have been laid before the commissioners appointed to investigate the demands on the late nabobs of the Carnatic,to perhaps at least ten times more than those claims could have been estimated at, as was supposed by those who had the best means of forming an opinion on the subject.

3. It is generally believed, that the greater part of the bonds upon which these claims have been made are forgeries : and as the real creditors have by the agreement entered into with the Honourable the East India Company, made considerable sacrifices in order to have it effected, it is peculiarly incumbent on such creditors in this country, as well on their own account, as on the part of those they represent in Great Britain, and in fact for the general interest of all parties concerned in the arrangement which has taken place for an adjustment of the demands in question, to guard as far as they possibly can against

the admission of claims, by which the fair creditor of the late nabobs of the Carnatic may be deprived of the advantages of the fund appropriated for his relief, and by which the interests of the Honourable the East India Company may be ultimately materially affected

4. A short time ago, a meeting of some of the creditors of the late nabobs of the Carnatic, who it was well known, had actually themselves had money transactions with the Durbar, was convened at the exchange, when we were appointed, with others, to watch over their interests and those of the creditors in general, and to take such steps as we might deem advisable on the occasion.

5. The first bond advertised by the commissioners for investigation, and claimed by Roya Reddy Row, one of the Serishtadars of the late nabob of the Carnatic, and at present in the service of his highness the nabob Azim ul Dowlah, and constantly in attendance with the commissioners, was challenged as a forgery. Informations to this effect were laid before the sitting magistrate, and Roya Reddy Row and a person called Anunda Row were committed, and gave bail for their appearance at the next sessions for the said forgery.

6. On the 26th of July, pending the above mentioned examinations at the public office, it was understood that the commissioners acquainted the sitting magistrate that they had addressed a letter to government to request they would order their law officer to proceed against two of the witnesses who were then making their depositions against the said Roya Reddy Row and Anunda Row, for having perjured themselves in giving evidence before the commissioners, but the sitting magistrate conceiving that there was sufficient matter in the informations taken before him to commit the said Roya Reddy Row and Anunda Row, they were committed accordingly.

7. A few days afterwards it was publicly known, and certainly not without some degree of astonishment, that the law officer of government had actually commenced proceedings against the two evidences alluded to in the letter of the commissioners, because it was, and certainly not unreasonably, supposed that those who came forward voluntarily to give evidence against claims produced before the commissioners, would rather have met with the support than the disapprobation of government.

8. Trusting, however, that the sitting magistrate would have allowed matters to take their regular course, we did not deem it necessary at the time to state these facts to your honourable board.

9. We have since been informed that the two witnesses above mentioned have been bound over to take their trial for the crime before stated, at the ensuing sessions.

10. We therefore feel ourselves compelled to lay these particulars before your honourable board, and to submit whether such proceedings may not tend entirely to discourage natives from coming forward to question any claims however unfounded, and in fact, whether they are not likely to stifle enquiry and investigation altogether.

11. Because when it is known publicly that Roya Reddy Row, the person who has made the claim on the bond in question which is challenged as a forgery, and for which he is bound over to take his trial at the next sessions has, notwithstanding, the support of the commissioners; that the law officers of government have been directed to prosecute those who have given information against him, and that he is a confidential servant of his Highness the nabob Azim at Dowlah, we cannot but entertain the most alarming apprehensions, that all evidence from natives by which the forgeries can be brought to light, will be entirely lost.

12. It is well known that the natives of this place are of a mild and timid disposition, and that the very idea of a contest in any way with persons in high situations, whether Europeans or natives, is at all times sufficient to deter them from coming forward, even where their own immediate interests are concerned, much less so can they be expected to volunteer their evidence in a matter wherein those interests, perhaps, may not be at all implicated.

We have the honour to be with great respect,
Honourable Sir,
Your most obedient servants,
(Signed) BENJAMIN ROEBUCK.
THOMAS PARRY.
WILLIAM ABBOTT.

No. III.

Fort St. George, September 17th, 1808.

The Governor's Reply to Messrs. Benjamin Roebuck, Thomas Parry, William Abbot.

Gentlemen,

I am directed by the honourable the Governor in Council to acknowledge the receipt of your letter of the 20th ultimo, in which you have informed the Governor in Council, that you had been appointed to watch over the interests of certain creditors of the late nabobs of the Carnatic, and in which you have stated objections to the proceedings which it has been judged advisable to adopt, with regard to certain persons, (of the description of creditors) who are supposed to have been engaged in transactions of an illicit nature, and against whom a prosecution is in consequence about to be instituted.

The Governor in Council must be entirely precluded from acknowledging you in the capacity of the agents of creditors who have not subscribed the paper which you have addressed to the governor, or who have not individually authorized it. Without however going at present into a farther discussion of the circumstances which may have attended your nomination, the Governor in Council considers it sufficient to state, with reference to the professed object of your letter, that if, as individual creditors, you have reason to believe that the commissioners for the investigation of the Carnatic claims had not sufficient grounds for the recommendation which has led to the prosecution of which you have complained, means will be used to obtain satisfaction on that point.

The Governor in Council has no reason to doubt that the whole of the proceedings in question has been founded on the most correct principle; and that its accuracy will be sufficiently evinced by any farther explanation which may take place. But it being at the same time the wish of the Governor in Council that all persons whose claims may be liable to the consideration of the commissioners, should have the full benefit of the comptrolling authority vested in the supreme government, I am directed to acquaint you that application will be made to the commissioners for copies of all papers connected with the question agitated in your letter, and that copies of those papers with a copy of your letter will be submitted to the right honourable the Governor in Council, if you should be desirous that this course should be adopted.

I am, Gentlemen,
Your most obedient servant,
(Signed) G. BUCHAN,
Chief Secretary to Government.

Examined.
(Signed) Ed. H. Woodcocke,
Fixed Examiner.

No. IV.

Fort St. George, September 26th, 1808.

From the same Agents in continuance to the Governor in Council, stating the private interest which the Law advisers of the Government have in the approaching Trials.

To George Buchan, Esq. chief Secretary to Government,

Sir,

We have the honour to acknowledge the receipt of your letter of the 17th instant, in which you inform us that we had stated to the honourable the Governor in Council, certain objections to the proceedings which it had been judged adviseable to adopt with regard to certain persons (of the description of creditors) who are supposed to have been engaged in transactions of an illicit nature, and against whom a prosecution is in consequence about to be commenced.

In reply to this part of your letter we beg leave to observe that on reference to our address of the 20th ultimo we do not find any objections of the nature to which you allude, nor do we know of any prosecutions about to be entered into of the description you mention.

The circumstances which we were desirous of bringing under the consideration of government was altogether of a different complexion; a prosecution commenced by the law officers of government in their official capacity not against persons of the description of creditors of the late nabobs of the Carnatic, but against two witnesses who had given informations before the sitting magistrate, on which certain persons had been bound over to take their trial at the ensuing sessions for having forged or being concerned in the forgery of

a bond from his late highness the nabob, Omdell ul Omrah for a large sum of money, a proceeding into which we thought it probable government might inadvertently have been led, and which we were apprehensive might, on the grounds we then stated, be attended with consequences injurious to the interests of the fair creditors as well as those of the honourable the East India Company.

This, sir, was the fact to which we deemed it incumbent on us to call the attention of government, and in doing so we were far from intending to blame or implicate any person whatever.

We did not presume to question whether the commissioners appointed to investigate the claims on the late nabobs of the Carnatic had or had not sufficient grounds for the recommendation which led to the prosecution of the two witnesses in question. We were aware that those gentlemen are not in any way under the control of the government of Fort St. George, and that they have full power to adopt any measure which may appear to them to be best calculated to carry the duties of their office into effect; they therefore had no doubt a right to select any person they thought proper to carry on the prosecution they considered it expedient to institute against the parties in question; but we humbly conceive it was by no means necessary that the law officers of government *in their official capacity*, should have been ordered to conduct the prosecution. No attempt was made by the parties prosecuted, to endanger the interest of the fair creditor, by imposing on the commissioners a spurious claim. On the contrary they had given evidence against a claim which they state to be of that description: should it appear hereafter their evidence is not true, the fund appropriated for the relief of those whose demands are just will not be injured; on the other hand should the bond which has been opposed ultimately prove to be a forgery; the fair creditor, and the honourable East India company will derive considerable benefit from the testimony of the parties now prose-

cuted by the law officers of government and under their orders.

Before we use the freedom of availing ourselves of the indulgence offered by government of applying to the commissioners for copies of all the papers having reference to the subject of our former letter, we have to request they will be pleased to favour us with a copy of such observations as may have been made on it by the advocate general, to whom we understand it has been submitted; in order that we may have an opportunity of replying to them, and that the whole affair may be brought forward in a regular manner to the notice of the right honourable the Governor general, and ultimately to the parliamentary commissioners, and the honourable the court of directors.

We are the more anxious on this point, as we have some reason to believe that the report of the advocate general is not altogether free from inaccuracies and misrepresentations.

In one particular, we know, he has mis-stated the fact, and he has said, alluding to the witnesses before mentioned, that Mr. Parry has become bail for them, to take their trial at the approaching sessions for perjury.

Mr. Parry is not bail for these two witnesses, nor has he any connection with or knowledge of them whatever.

In our address to government we abstained from remarking on the situation in which the advocate general was placed in consequence of having stated himself to be a creditor of the late nabobs of the Carnatic; a fact which we understood to have been known to all the members of government, and which, we did suppose might have been a sufficient reason for considering him not altogether a fit person to give an opinion on

any matter in which the interests of the creditors in general are concerned.

It is a notorious fact that Mr. Anstruther cannot possibly be a creditor of the late nabobs of the Carnatic in his own right, and that if he actually be a creditor, it must be as a speculator.

It is also generally believed that many of the purchases in which he is concerned, and which are supposed to be to a large amount, have been made through Reddy Row, the person we have already had occasion so frequently to mention, or on his recommendation; and it therefore may be fairly inferred, that he feels more than common interest in the prosecutions which are now depending.

We have thought it necessary to state these circumstances for the information of the board, because we conceive, that although they may have understood generally that Mr. Anstruther was a creditor of the late nabobs of the Carnatic, we do not suppose they can have been acquainted with the nature and description of his claims.

In consequence of your having informed us by your letter of the 17th instant, that the honourable the Governor in Council does not think proper to recognize us as a committee for the bona fide creditors of the late nabobs of the Carnatic, we now take leave to present ourselves individually as such.

We have the honour to be, Sir,
Your most obedient humble servants,
(Signed) BENJAMIN ROEBUCK.
THOMAS PARRY.
WILLIAM ABBOT.

No. V.

Fort St. George, 5th Oct. 1808.

PUBLIC DEPARTMENT.

Governor's Reply threatening these Gentlemen if they proceed.

To Messrs. Benjamin Roebuck, Thomas Parry and William Abbot.

Gentlemen,

1. I am directed by the honorable the Governor in Council to acknowledge the receipt of your letter of the 26th ultimo.

2. The Governor in Council thinks it unnecessary to go at present into a further explanation of the nature of the illicit transactions, which were alluded to in the letter addressed to you on the 17th ultimo, or of the proceedings which those transactions may render it expedient to adopt, as the explanation does not appear essential.

3. The particular object of the letter addressed to you on the 17th ultimo, was for the purpose of making known to you, that if you should have any cause for questioning the propriety of the measures adopted by the commissioners for investigating the Carnatic claims, the Governor in Council was present to afford any assistance that might be necessary in bringing the subject under the notice of the authorities, which are legally intitled to take cognizance of questions of that nature.—The Governor in Council however observes in your present letter, that you disavow an intention of bringing into question the grounds of the recommendation of the commissioners which have formed the

subject of your recent communications; but that you have thought it necessary to question the propriety of the orders of the Governor in Council expressly founded on that recommendation.

4. The Governor in Council has attentively reviewed the proceedings connected with the subject, and it appears manifestly established from the facts which have been stated, that no other course could have been taken than that which has been adopted, on the recommendation of the commissioners repressing the dangerous efforts which have been made to obstruct the cause of their enquiry, and to place in difficulty the persons instrumental in facilitating its progress.---In these circumstances the Governor in Council must necessarily consider the tenor of your communications to be in the highest degree improper.

5. The Governor in Council considers the mode in which you presume to discuss the proceedings of the government, and your application for the official paper to which you allude, to be an aggravation of your disrespectful conduct. The explanation conveyed in the letter addressed to you on the 17th ultimo, was founded on distinct grounds, and was unconnected with any reference to that paper, (to which it is proper to notice that you could have had no regular means of access) and the Governor in Council must therefore consider your observations on that point to be irrelevant to the professed object of your letter.

6. I am directed to repeat, that if there is any matter of real or supposed objection connected with the proceedings of the commissioners, which you may be desirous of bringing under the notice of the constituted authorities, the Governor in Council will afford every degree of facility that may be requisite in promoting that purpose, but on the other hand, it

is proper to apprize you, that any farther acts of wanton obstruction to these proceedings, or of disrespect to the authority of the government will not fail to experience the severest effects of public displeasure.

I am, Gentlemen,
Your most obedient servant,
(Signed) G. BUCHAN,
Chief Sec. to the Government.

Examined.
(Signed) J. PRATT.

No. VI.

Fort St George, 23d December, 1808.

The Agents reply to George Buchan, Esq. chief Secretary to Government.

Sir,

1. However desirous we might have been of replying to your letter, of the 5th of October, to Mr. Roebuck and ourselves, in order to remove as far as we possibly could the unfavourable impressions which the honourable the Governor in Council appeared to have received regarding our conduct as to the communications we had deemed it incumbent on us to make in our addresses of the 20th of August and 26th September last: we considered it adviseable to wait the result of the trials, which were to take place at the October sessions, before we intruded ourselves again on their notice.

2. We are indeed much concerned to find from your letter that our former communications had been con-

sidered disrespectful and improper. We beg leave most solemnly to declare that nothing could be farther from our intentions than to offend government, or bring forward improper information to their notice; for them and for their acts, we have that high respect, to which from those, who live under their authority, and enjoy their protection, they are so justly entitled.

3. In answer to the last paragraph of your letter we trust we shall stand excused for observing that we are apprehensive some communications not founded in truth have been made to government, as to the motives which influenced our conduct, and which have drawn forth the expressions which we cannot but consider severe, and which we know we have not deserved.

4. We request you will assure the Honourable the Governor in Council, that we have not in any way, either directly or indirectly obstructed the proceedings of the commissioners appointed to investigate the claims on the late Nabobs of the Carnatic.

5. It is true that Mr. Abbot waited frequently on the commissioners, anxious to give them information respecting the claim which had been preferred before them by Reddy Row, which he believed to be a forgery, but he was not aware that he thereby in any way obstructed their proceedings.

6. Mr. Parry had the honour of appearing before the commissioners only once on the subject of the claim in question, and he attended at their own request. He has not either directly or indirectly interfered or communicated with them further respecting it.

7. Mr. Roebuck we believe, has never attended the commissioners to be examined.

8. We shall now take the liberty of stating for the information of government, the result of the prosecution, which we thought it incumbent on us to bring under their notice, in our letter of the 20th August.

9. The bills of indictment preferred by the law officers of government at the instigation of the commissioners against Beamah Row and Arnachilla Row for forgery, were thrown out by the grand jury.

10. Roya Reddy Row and Anunda Row have been found guilty of conspiracy to defraud the private creditors of the late nabobs of the Carnatic, and the honourable the East India Company, by means of a bond forged by them of the late Nabob Oomdul ul Omrah.

11. And a bill of indictment has been found, by the grand jury against Roya Reddy Row, and Mr. J. Battley, secretary to his highness the nabob Azim ul Dowlah, for a conspiracy and fraud, and another bill of indictment against the said Mr. J. Battley for perjury, which bills of indictment lie over for trial at the ensuing sesions.

12. We hope that the honourable the Governor in Council will now be satisfied that RoyaReddy Row and the parties with whom he is connected are not persons deserving of that support which has been given to them.

We have the honour to be,
Sir,
Your most obedient humble Servants,
(Signed) THOMAS PARRY.
WILLIAM ABBOT.

No. VII.

Application from the Agent of Paupiah to the Commissioners for the Nabob's Debts for Copies of the Proceedings before them in the Claim of Roya Reddy Row.

William Parker, S. T. Goad, and Henry Russel, Esquires, Commissioners for investigating the Debts of the late Nabobs.

Gentlemen,

It may be necessary in the prosecution by Paupiah against Reddy Row and Anunda Row, that I should have copies of the proceedings before you in respect of Roya Reddy Row's claim against the nabob as assignee of Gopal Row. You will therefore have the goodness to furnish me with them, or I will thank you to inform me of your refusing to do so.

I am,
Gentlemen,
Your most obedient servant,
(Signed) WILLIAM LIGHT

September 14th, 1808.

No. VIII.

Answer of the Commissioners refusing Mr. Light's Requests.

To Mr. Wm. Light.

Sir,

We beg leave to acknowlege the receipt of your letter of the 14th instant.

Having publicly recorded our opinion, that the charge of forgery lodged by Paupiah against Reddy

Row and Anunda Row is malicious and false, and having in consequence recommended the adoption of legal measures against the author and abettors of that charge, we do not think it our duty voluntarily to afford any facility to Paupiah, either by the production of papers or otherwise, in respect to the prosecution which he in his turn has instituted in the same manner against Reddy Row and Anunda Row.

We must therefore decline furnishing you on your mere application with any papers in furtherance of the prosecution against Reddy Row and Anunda Row, but should the proceedings mentioned in your letter be legally demandable from us, you will of course know what means to employ to obtain them.

We are, Sir,

Your most obedient servants,

(Signed) WILLIAM PARKER,
S. T. GOAD.

Office of commissioners for investigating the Carnatic debts, Fort St. George, September 15th 1808.

No. IX.

Names of the Grand Jury, who found the bill against Reddy Row. October 31st, 1808.

Andrew Scott, Esq. foreman	Charles Wynon
J. H. D. Ogilvie	Arthur Brooke
Francis A. Grant	James Taylor
Wm. Thackeray	George Moore
George Strachey	Wm. Wayte
John Henry Peile	John Babington
Joseph Dacre	Frederick H. Bruce and
James Munro	George Hay.

No. X.

Copy Letter from Hussam Ul Mulk, to Sir Thomas Strange, Chief Justice, relative to the trial of Roya Reddy Row.

(After the usual compliments.)

I have received two subpœnas from the supreme court requiring my attendance with the accounts, &c. during the administration of Anwar Alee Khan, late Amildar of the Soobah of Arcot, during the space of one month and twenty-seven days in the year 1207, Fuslee. As I have been indisposed for one month, I have sent the accounts in my possession by Madhoo Row, Serishtadar of Arcot; and the inclosed paper under my seal and signature contains a statement of circumstances respecting the account of the money received during the administration of Anwar Alee Khan, for your information.

Seal.

Hussam Ul Mulk.

The circumstances respecting the accounts of the whole receipts of the money received during the administration of Anwar Alee Khan are these. In the year 1207, Fuslee, when on the removal of Anwar Alee Khan the Soobah of Arcot was intrusted to my charge by his highness the Nucomb Oomdul ul Omra Syyid Moortaza Hoosyn Khan by my directions had the said account prepared for me by Anunda Row and Appro Row Serishtadars of Anwar Alee Khan and sent it with their signatures affixed thereto to me. The account does not bear the seal of Anwar Alee Khan, because he was at that time *in the presence*.

The account has been with me till now, except that four months ago at the request of Reddy Row, Mootoosuddie of the said account, I sent it to him by the hands of Meer Talib Alee Khan and Syyid Yeckim. In that account the loan of Gopal Row to the amount of thirty-five thousand pagodas is not entered. The copy of it under my signature, which is in the possession of Madhoo Row, Serishtadar of Arcot, is conformable to the original.

Dated 21st of Rumuzan, A. H. 1223.

Memorandum to serve as an explanation of the above Letter of Hussam Ul Mulk.

Roya Reddy Row stated in his information upon oath before the commissioners that his claim was founded upon a loan of 35,000 pagodas to Anwar Alee Khan, the renter of the Arcot district in the year 1797 for account of the Circar by Gopal Row. In support of this allegation, an account was produced from the dufters, purporting to be the account of Anwar Alee Khan rendered to the Circar, in which this pretended loan by Gopal Row was entered. On the part of the prosecution it was contended that this account was a fictitious one;—that in fact Anwar Alee Khan never did render any accounts of his management to the Circar, that he only continued renter fifty-seven days, was then turned out and was succeeded in the rentership by Husam Ul Mulk; that Hussam Ul Mulk made up the accounts of Anwar Alee Khan's management, as well as his own, and transmitted them to Hussam Ul Mulk, and that there was no entry whatever of this loan in Anwar Alee Khan's account, nor any mention of money transactions with Roya Reddy Row or Gopal Row. It was likewise alleged that Roya Reddy Row had borrowed these accounts from Hussam Ul Mulk, at some time before the commissioners commenced their investigation of claims, and from them had

fabricated the false accounts in which the loan to Anwar Alee Khan was introduced. The true accounts never were restored to Hussam Ul Mulk, but he fortunately had two sets of them, of which Roya Reddy Row most probably was ignorant. To prove these allegations Hussam Ul Mulk was subpœnaed upon the trial, but instead of obeying the summons he wrote upon thethird or fourth day of the trial a letter to the Chief Justice of which the accompanying is a faithful translation. Hussam Ul Mulk Serestadar Madhoo Row attended with the true accounts, and was competent to prove them, but the admission of these accounts in evidence was strenuously opposed by the counsel for the defence, and refused by the Chief Justice. Had they been admitted and believed by the jury, they would themselves have convicted the defenders of the forgery.

No. XI.

Letter from the Agents for the Creditors to the Printer of the Madras Gazette requesting him to obtain permission of the Government to print the trials of Roya Reddy Row, and Anunda Row.

To the Editor of the Madras Gazette Press.

Sir,

As the trial of Roya Reddy Row and Anunda Row for conspiring to defraud the East India Company and the private creditors of the Nabobs of the Carnatic by means of a forged bond, &c. &c. has engaged the attention of the public in an extraordinary degree, and as it must be an object of considerable interest to the East India Company, to the com-

missioners for investigating the debts of the Carnatic, and to the private creditors in England, we are desirous to publish the same, and accordingly we request the favour of you to obtain the permission of the honourable the Governor in Council to print it at your press, from notes which we caused to be carefully taken of the evidence, and we will thank you to let us know the price, and in what time it can be printed.

We are,
Sir,
Your most obedient servant
(signed) ABBOT and MAITLAND.

Fort St. George,
9th January, 1809.

No. XII.

Letter to the Printer of the Madras Gazette from the Chief Secretary of Government refusing permission to print the trials.

Public Department.

To the Editor of the Madras Gazette.

Sir,

The application of Messrs. Abbot and Maitland for permission to publish the trials of Roya Reddy Row and Anunda Row having been submitted to the Honourable the Governor in Council, I have been directed to acquaint you that the Governor in Council deems it inexpedient to sanction the proposed publication.

I am,
Sir,
Your most obedient servant
(signed) G. BUCHAN,
Chief Secretary to Government.

Fort St. George,
11th January 1809.

No. XIII.

Letter from the Agents for the Creditors to the Commissioners for the Nabobs debts residing and acting in London. In which are stated various circumstances of the forgeries of Reddy Row—the interference of government, and the interest of the Law Officers on the trials.

Madras, 14th January, 1809.

To the Commissioners for investigating the debts of the late Nabobs of the Carnatic, London.

Gentlemen,

1. You will no doubt have heard when this reaches you of the enormous and preposterous amount of the claims preferred before the commissioners in India. You will, therefore, not be surprised to hear that resistance has been made to suspicious claims, notwithstanding they may have been supported by very powerful interest.

2. The accompanying packet, which we beg leave to recommend to your attentive perusal, will make you acquainted with our proceedings hitherto.

3. In addition to the information contained in the accompanying documents, we beg leave to state to you, what we could not properly introduce into the memorial, that regarding more particularly the conduct of the commissioners in India.

4. It appeared from the examination of Mr. Brodie upon the trial, that the only claim which Roya Reddy Row had upon the nabob was for a balance of pagodas 87,703 : 23 ; 20, upon an open account current, which claim was assigned over to Duttyer Morleapah, and

by him forwarded to Mr. Fordyce through Mr. Brodie.

5. Mr. Brodie further deposed, that when the claim was forwarded through him, he understood it was the only one which Roya Reddy Row had, and in fact, he had no bonds from the nabob whatsoever.—But that at a subsequent period other claims upon bonds were forwarded through him by persons acting as attornies for Roya Reddy Row, which struck him as something so mysterious that he took copies of the assignments and powers of attorney.

6. Roya Reddy Row had no bonds, was confirmed by another witness, Zurial Row, who was present shortly after the present nabob ascended the Musnud, when Roya Reddy Row submitted the above mentioned open account current to the nabob, pressing him to use his interest with the company to release a quantity of paddy which had been assigned over to him in the Tinnivelly country by Omdul Ul Omrah, as security for his debt, and which had been seized by government when the country was ceded to it by treaty, and representing his deplorable condition, that he had no other securities for his balance but the above mentioned paddy.

7. It was likewise corroborated by the evidence of Chinniah Moodelliar, who more than eleven months after the death of Omdul Ul Omrah, and when Roya Reddy had been concealing himself, shut up in his house for some months in order to elude a writ of bailable process laid out against him by Venaigum Moodelliar for a debt of pagodas 15,500, interposed his friendly mediation, and advised Roya Reddy Row to satisfy Venaigum by giving him some security for his debt. He suggested to him that he should mortgage to Venaigum some of his nabob's bonds if he had any as security, when Roya Reddy Row unequivocally declared to him that he had none.

8th. Notwithstanding this Roya Reddy Row has preferred claims, independant of the balance of the open account current, to the amount of pagodas 304,042, 17; 40, of which we inclose a memorandum. And it appeared upon the trial, and what is more extraordinary, it appeared from Roya Reddy Row's own showing, that the balance of pagodas 87,703, 23, 40, due to him by the nabob was made up of several sums which he had borrowed from different soucars: and he pretended that he had received during the life time of the Omul, bonds in the name of the several soucars for the amount of their respective demands, that with these bonds he had satisfied these creditors, and his balance of pagodas 87,703, 23, 20, was notwithstanding claimed by his pretended assignee Duttajee Morleah, so that by his own showing upon the trial it appeared at least, that this balance was claimed twice over. However incredible this may appear to you, and that this defence should be conducted by the law officers of the company, openly assisted by the commissioners, yet you will be satisfied of the truth of it when you read the trial which we are endeavouring to get published here, and which at any rate you shall receive in manuscript if we cannot obtain permission to print it.

9. Independent of these two sums, viz. the balance of the open account pagodas 87,703 23 20, and the soucars bonds, viz. Moorli Doss, pagodas 6000, Coloor Vincata Narrain, 4000, Visvinada Tawker 21,400, Vinaigum 15,000, Verdarajah 5700, Ramchieu Derput 5000, Duttajer Moorlapah 25,800, Praboo Doss 3,300, Boojunga Row 1000, which if they are not forgeries, ought to represent, and were given in payment of the above balance, you will see that this man claims as above stated pagodas 314,042 17 40, of which pagodas 176,954 17 40, is stated to have been lent to the nabob in the course of the month of June immediately preceding his death, and after he had been declared to be past recovery. Mr. Cockburn, who was at Madras at

the time, can acquaint his colleagues in what state the nabob was, and whether he believes it possible that a native of India conversant in all the transactions of the Durbar, would lend to the nabob upon his death bed the enormous sum of pagodas 176,954 17 40 without other security than his simple bonds. We are persuaded that Mr. Cockburn would not believe such a thing if five hundred living witnesses should depose to the truth of it, and if five thousand written documents should start up from the Dufters to support it. The bonds being in different names argues nothing either way, for Mr. Cockburn can inform you this is a common practice among the natives that they may not appear to possess much wealth of their own.

10. Venaigum is prosecuting Roya Reddy Row and Mr. Batley for the fraud and conspiracy in passing upon him the pretended fraud for pagodas 15,500. The other soucars are in the interest of Roya Reddy Row, gained over no doubt by a promise of getting their bonds passed by the commissioners.

11. Excessive as the amount of these fraudulent claims is, it is a trifle, a mere nothing compared to the whole amount of bonds that this man is said to have forged or given certificates for. We are informed, and we have reason to believe, that the bonds sold by him and by his recommendation to the law officers and their associates, viz. Mr. George Arbuthnot, Messrs. Binny and Dennison, the late Mr. Walter Grant, Doctor Andrew Berry, Mr. George Hallyburton, and others, although none are claimed in the names of the law officers amount to sixteen or seventeen lacks of pagodas. Mr. Orme alone claims upon bonds amounting to 611,000 pagodas, on account of the estate of the late Mr. Walter Grant, the whole of which were purchased from Roya Reddy Row and Anunda Row convicted as they are, have been left at large now near seven weeks, which time has been employed by them in suborning witnesses for a new trial if granted, and

for Mr. Batley's trial. The sessions is at present adjourned to Monday the 16th, when the chief justice is to pronounce whether he will commit them to jail, or by a further exercise of his own discretion, suffer them to remain at large.

12. We say nothing of the bond in favour of Gopal Row for 38,500 pagodas, because we are persuaded that a trial of sixteen days and a verdict of an English jury will stamp its discredit for ever, notwithstanding all the endeavours of the law officers to uphold it.

13. We have just heard from the printer that government has refused him permission to print the trial, we shall therefore send it in manuscript to be printed in London. We annex a copy of our correspondence regarding it. This is a singular circumstance.

14. Aradaunum Paupiah Braminy who commenced the prosecution against Roya Reddy Row, died on the 10th instant, Roya Reddy Row and his party are now using all their endeavours to buy over some of the witnesses who appeared against him on the former trial. This seems to be their only hope, and to effect what they have in view, nothing will be left undone that money and the most powerful influence and interest can accomplish.

15. We shall not trespass upon your time farther at present, and we sincerely hope that such measures will be taken in this country as will prevent the necessity of troubling you again.

18th January, 1809.

You will perhaps be surprised to hear that after two more successive adjournments of the sessions, viz. from the 16th instant to the 17th, and from the 17th to this day, the chief justice has this day disposed of the two motions before him, where the one on the part of the

defence for a new trial he has ruled that it ought to be argued in term, the other on the part of the prosecution for the commitment of the defendants he has discharged, declaring his resolution to leave them at large upon their recognizance, without assigning any one reason for such measure, or stating any one circumstance in the case of the defendants that entitle them to such extraordinary indulgence, but simply asserting his right and power to do so. Thus two men convicted upwards of seven weeks ago of a crime for which in England they would before now have suffered a capital punishment are left at liberty, an apparent example to the natives of the inefficacy of our laws in this country when opposed by wealth, power, and influence. We shall not now be surprised if all the native witnesses for the prosecution of Reddy Row, as well those that gave testimony upon the late trial, as those summoned for the approaching one should abscond, seeing the powerful protection that he enjoys, and fearing thence the effects of his vengeance for daring to depose the truth against him. Living as you do, gentlemen, in a country where the laws are equally and impartially administered to all ranks of people, you can have no conception how little the natives of the East confide in them. For some time anterior to, and during the trial of Reddy Row their uniform language was, that there was no doubt of the man's guilt, nor of his having committed many other forgeries and frauds, but that enjoying the favour and protection of the commissioners, the law officers of the company, the nabob and the government, we should never be able to convict him; when however we did convict him, notwithstanding the weight of influence that we had to contend against, their opinion and language began to change, they began to understand the importance of a trial by jury, and to venerate it. But now, alas! that they find that a man may be tried and convicted by a jury and still appear to escape the penal consequences of his guilt, they recur to their original and native belief,

that every thing is determined with us as with them, by power and influence.

Our able and eloquent counsel Mr. Marsh, upon whose talents and exertions in the conduct of these trials, too much praise cannot be bestowed, has advised and given notice, that he shall move the court on Monday the 23d, for leave to petition the king in council in appeal from the interlocutory order of the court having these men at large. As the trial of Batley for perjury comes on the 24th, we shall close this dispatch now, and advise you the success of our motion in a separate letter.

We have the honour to be,
Gentlemen,
Your most obedient humble servants,
(signed) THOMAS PARRY.
W. ABBOTT.
R. A. MAITLAND.

No. XIV.

Letter from the Agents for the creditors, to the creditors of the Nabob in England, containing a list of the special jury on the trial of Mr. Batley, and other circumstances of the trial.

Fort St. George, 2d February, 1809.

Gentlemen,

We beg leave to inform you that Mr. John Batley, secretary to his highness the Nabob Azem ul Dowlah, against whom, we stated to you in our letter of the 20th ultimo, that a bill of indictment had been found by the grand jury at the last sessions, for perjury com-

mitted in his evidence given on the trial of Roya Reddy Row and Anunda Row, was this day found guilty after a trial of eight days, by a special jury summoned on the motion of the defendant.

The names of the jury are mentioned in the annexed list.

We use the freedom of troubling you with this communication, it being materially connected with the subject which we found it necessary to bring to your notice in our letter of the 14th ultimo, inasmuch as it confirms the verdict against Roya Reddy Row and Anunda Row. We have the honour to be,

Gentlemen,
Your most obedient,
humble servants.

List of the special jury on the trial of Mr. John Batley.

Mr. M. Jolly
J. F. Collis
W. Watts
John Tullock
William Oliver
John Mac Dowall

Mr. W. W. Weston
Edward Dent
H. G. Keene
Robert Mackonochie
Alexander Falconer
Wm. Hawkins.

No. XV.

Answer from the commissioners granting the request.

To Messrs. Parry, Abbott, and Maitland.

Gentlemen.
We have received your letter of the 3d instant. Our

deference for the verdict pronounced yesterday by a special jury induces us to inform you that if your solicitor will attend at our office with a copyist at eleven o'clock to-morrow, or any other day, he shall be at liberty to transcribe the papers mentioned in your letter. We are, Gentlemen,

Your obedient servants,

Office of commissioners for investigating the Carnatic debts, Fort St. George, 3d Feb. 1809.

(signed) WM. PARKER.
S. T. GOOD.
HENRY RUSSELL.

No. XVI.

Substance of a letter from the Commissioners for examining into the claims on the Nabobs of the Carnatic, to Mr. Buchan, secretary to the Government.

Dated Madras, 6th February, 1809.

Mr. Batley being found guilty of perjury on the prosecution, as avowed in Court by their own advocate, Messrs. Roebuck, Parry, Abbott, and Maitland, in which he had, at our suggestion, been defended by the law-officers of the crown, they hoped that the verdict of the special jury would have satisfactorily established the validity, or invalidity of the ground on which the prosecution has been instituted; but with every degree of deference, &c. &c. we do not hesitate to avow that in the present instance the evidence on the trial of Mr. Batley, has not, in any degree had the effect of altering our opinions on the merits of the case, or of impairing the strength of our conviction that both Mr. Batley and Reddy Row are entirely innocent of the charges on

which they were indicted; under other circumstances they might not have thought proper to avow this opinion, but they are encouraged in the present instance by the similar sentiments of the chief justice himself, the tendency of whose charge was strongly for the acquittal of Mr. Batley: and he has signified his resolution to submit the two verdicts, with his own report and observations on the respective trials to the wisdom and consideration of the king. Since the trial, a letter has been received from Messrs. Parry, Abbott, and Maitland, for copies of papers with an obscure and indefinite expression of their intention to proceed to further prosecution, the object of which is easily conjectured. The advocate for the prosecution has distinctly and unreservedly menaced the commissioners, that if they shall make a favourable report of the bond claimed by Reddy Row to the commissioners at home, he would render them the object of a criminal prosecution. These trials have impeded our public transactions, and the further prosecutions with which we are threatened, or any other measures calculated to oppose our proceedings, we contemplate as the complete and effectual obstruction of our official duty. We therefore distinctly and unreservedly state to the governor in council that unless measures are adopted by government to relieve us from embarrassments from persons avowedly the prosecutors,it will be impracticable for us to proceed with immediate effect, or with any ulterior success in the discharge of our duties. We feel that our exertions will be of no avail without the aid of government,and in this emergency all our exertions will be rendered nugatory and abortive.

The only remark that shall be offered on the commissioners' letter is,that they have not attended these trials on which they have presumed to pass judgment. Goad attended the greatest part of the first trial, but little of the second. Parker and Russell attended little of the first trial, and none of the second. But the consequence of this letter to government is, that

Mr. Roebuck has been removed from the situations he held in the company's service as detailed in the government letter. Mr. Maitland who was one of the justices of the peace, and had committed Reddy Row and Anunda Row, has been deprived of that office, and Mr. Parry has been ordered home.

No. XVII.

Letter from the Chief Secretary to Mr. Roebuck, dismissing him from all his employments.

Public Department.

To Mr. Benjamin Roebuck.

Sir,

I am directed to acquaint you that the honourable the Governor in Council has deemed it proper to appoint you to take charge until farther orders, of the factory of Vizagapatam, and you are ordered to proceed to that station without delay.

You will transfer the charge of the office of the military paymaster-general to the honourable Mr. Murray, and Mr. Ogilvie has been appointed to take charge of the mint.

I am, Sir,
Your most obedient servant,
(signed) G. BUCHAN,
Chief Sec.

Fort St. George,
8th Feb. 1809.

No. XVIII.

Letter from Mr. Roebuck to the Chief Secretary, requesting to know why he is dismissed, and petitioning to be heard.

To the Chief Secretary of Government.

Sir,

I have received your letter of the 8th instant with the utmost surprise and concern, as it conveyed to me the first intimation of having incurred the displeasure of the honourable the president in council. My removal from the two important offices of paymaster-general and mint-master, the former of which I have held for so many years, and the latter department I have established, and in discharging the duties of which, I can conscientiously say I have exerted myself with unremitting zeal to promote the interests of my honourable employers, is so severe a punishment, so public a mark of the disapprobation of government, and so painful a degradation in the eyes of the public, that, as I am conscious of no breach of public duty, I can only impute this heavy misfortune to some extraordinary and unfounded misrepresentation, or from the malevolence of my enemies. In this peculiarly distressing situation I rely with confidence on the justice of government, that an opportunity will be afforded me of explaining or defending my conduct; that I shall not be punished unheard; and that a privilege, founded on the immutable principles of justice, and repeatedly recognised in the orders of the honourable the court of directors, will not, in this instance, be withheld from me. So soon as I received your letter of the 5th October, directed jointly to me with Messrs. Abbott and Parry, I immediately withdrew myself from all connection with their proceedings and correspondence, nor have I had any concern in it in the most indirect manner. I have paid a small sum towards the fees of

the lawyers, in the two suits, in which verdicts have been found against the respective parties, but I have no concern, or have had any intention of having any thing to do with any other trial; and in these I concerned myself, because it was of consequence to my property.

I have the honour to be,
Sir,
Your most obedient servant,
(signed) B. ROEBUCK.

Fort St. George,
9th Feb. 1809.

No. XIX.

Letter from the Agents for Creditors to the private Creditors of the Nabob in London, stating the Punishment of the Juries, the Effects produced by the late Trials, the Information of Mr. Barenshaw suppressed by the Madras Government, and the Mission of Mr. Saunders to collect Evidence for Government in the Trials.

Madras, 23d March, 1809.

To the Private Creditors of the late Nabob of the Carnatic, London.

Gentlemen,

We take the chance of this letter overtaking the ships at Bengal to acquaint you with the proceedings at this place since our last. We shall not make any remarks upon them, but leave you to draw your own inferences from them. Mr. F. A. Grant and Mr. G. Strachey, who served upon the grand jury that found the bills of indictment against Batley and Reddy Row,

Mr. W. Hawkins, Mr. W. Oliver, and Mr. G. Keene, who served upon the petit jury that tried these defendants, have all been ordered away from Madras, and appointed to different stations distant from the presidency. Mr. E. Wood, and some others, who have had the manly courage to express their sentiments regarding the late proceedings, have also been removed.

We omitted to notice to you, in our last, that we had written to the Lord Chancellor a particular account of these trials, and of the measures of the Chief Justice regarding them. A term commenced upon the 21st instant; and we are preparing an affidavit, and a petition of appeal from the decisions of the Chief Justice to the King in council. We beg leave to call your attention to these proceedings, and to recommend to you to take such steps in support of them, as may be in your power. Independent of the interest which every member of civilised society ought to have in the due execution of public justice, the fair creditors of the Nabob are particularly interested in seeing the law carried into effect against the defendants, Batley and Reddy Row. They are the sole hope and support of the forgers, and of those who claim upon forged bonds. Had they been only committed until the pleasure of his majesty should be known upon their cases, the whole band of forgers would have disappeared. We know that they were prepared to quit Madras had the verdicts been followed up with judgment. As it is, we feel confident we have done great service to the bona fide creditors. The week before last twelve or thirteen claims, amounting to more than £.700,000, were advertised for investigation: the bonds upon which the claims were made were certainly very barefaced forgeries, and Reddy Row had no connection with them; and it was on this account, perhaps, that they were selected by the commissioners,

that they might have the credit of rejecting the claims, and the appearance of doing something. Not a single claimant appeared to support his claim.

In our letter of the 8th instant to the governor-general, you will see an allusion to the famous Manargoody mission. In speaking of the acts of government in this country you are aware that we are obliged to be very cautious, but in truth we did not know at that time that the instructions to Mr. Saunders went so far, at least avowedly, as to direct him to collect witnesses for the trial. In October last, prior to the first trial, the law officers of government applied to Mr. Ravenshaw the collector of Arcot, through the board of revenue, upon the same subject. Mr. Ravenshaw made enquiries, and found that Anunda Row had, in fact, resided in the districts at the time stated upon the part of the prosecution, and reported the same accordingly. There is not in the whole service a more upright, honourable man than Mr. Ravenshaw; he is totally unconnected with the nabob's creditors, and, we have since heard from himself, did not know, at the time he was directed to make the enquiry, what was the motive of it. His report not being favorable to the defence, was suppressed by the law officers, but we got intelligence of it, and the counsel for the prosecution related the whole transaction in court, and challenged the counsel for the defence to produce Mr. Ravenshaw's letter, which he of course declined. It was in consequence of this that the law officers of government employed one who was a perfect stranger in the districts, in preference to one, who from his situation must naturally have been more competent to obtain information upon the subject. The Amildar, who obtained the original information for Mr. Ravenshaw, has been discharged from his situation by orders of government.

You will have no difficulty, gentlemen, in forming a

pretty correct estimate of the character of the proceedings connected with the late trials.

We have the honor to be,
Gentlemen,
Your most obedient,
and humble servants,
(Signed) T. PARRY.
W. ABBOTT.
R. MAITLAND.

No. XX.

Extract of Sir Benjamin Sullivan's Argument.

In regard to the third part of the question, namely, how the forged bond ought to be disposed of? it was moved the other day, and perhaps irregularly, as the proceedings have not been removed, that it should be lodged with the officers of the court, the bond being then, and I suppose still is, in the hands of the commissioners for investigating the Carnatic debts. The opinion of my lord chief justice, if I understand him correctly, was that it rested with those gentlemen to deposit the bond in court or not as they should think proper. He said it could not be in safer hands than with the officers of the court, but that they were to use *their discretion* in the matter, that he would not order it.---His lordship said he considered the bond, although tainted, to be still an outstanding claim; and that notwithstanding the verdict, which pronounced it to be a forgery, he thought the commissioners were competent to exercise their judgment upon it, and to recommend it as a good and valid bond, if they thought proper so to do, but that it would be a dereliction of *duty* if they suffered the

verdict to influence their judgment in the investigation of that claim.

This, I think, was the substance of what fell from his lordship; if I have in any thing misconceived his meaning, I shall be thankful to him to set me right---these sentiments fell from him in the warmth of argument, and I should be extremely sorry to impute them to him, unless, on reflection, he should think proper to avow them. But I must withhold my assent, as they stand at present, and should deem myself unworthy of the place I occupy on this bench, did I not express my warmest dissent to sentiments openly delivered, which, if adhered to, seem to me to be fraught with public inconvenience.

It is impossible to say what may be the result of the reference to his majesty; he may refuse to grant a pardon altogether; and it is most likely he will, as I believe he has never yet been known to pardon the crime of forgery, and in that event judgment must not only be pronounced, but the bond cancelled, (3 Inst. 60.) for all prosecutions of forgery have two objects in view, to defeat the criminal intention of the offender, where that intention has not already been carried into effect, and to punish him for the means he employed to effect it---to inflict the punishment, and yet leave it in his power to effect his criminal intention, would be absurd; and therefore, in cases of forgery, the court commonly takes care, by cancelling the forged paper, or delivering it up to the prosecutor for that purpose, that an improper use shall not be made of it; should then a refusal of pardon be the reference to the crown, where shall we look for the forged bond if it be suffered to remain with the commissioners, for these gentlemen act under instructions from the commissioners in England, by whom they are directed to transmit to them all bonds upon which any claim is founded? Should his majesty therefore be advised to adhere to his re-

solution not to pardon forgery, and orders come out to us to proceed to judgment, are we to send to England for the bond? The court ought not surely to expose itself to this inconvenience, nor to the far greater perhaps of rendering future judgment wholly ineffectual, by seeing this bond acknowledged by the commissioners as a judicium, and put in a train of payment—a bond which, after a full defence, has been pronounced by a British Jury to be a forgery; and the evidence brought in support of it has been, by another jury, pronounced to be wilful and corrupt perjury. Should the commissioners be encouraged to venture so far as this—should they be led to hold the verdicts of two grand juries, and two petit juries in such disregard as to declare this bond an honest and fair claim, shall we be justified in the eyes of our Sovereign and our country in assisting to lead them into error, by leaving it in their power so to do? It is our duty, I think, to guard against the possibility of such a conduct: it is also our duty to await the result of the reference to his majesty, and to have every thing in readiness to obey the royal orders as soon as we receive them: should the king be pleased so far to extend his mercy to the offenders as to grant them a conditional pardon, and the condition be that the forged bond shall be cancelled, how shall we carry his orders into execution if the Bond is not within our reach—if it is not in our actual custody and power? Why the officer of the court was permitted to return it to them I know not, but by suffering it to remain in the hands of the commissioners, we place ourselves in the situation of not being able to conform to the orders he may think proper to send to us; and why draw this inconvenience on ourselves, when we have it in our power to avoid it, by directing that the bond be lodged with the officer of the court?

At the same time that we draw a great inconvenience on ourselves, by suffering the bond to remain

in their hands, we expose them to solicitations and importunities to pass it as a fair demand, which, in my opinion, ought to be avoided, for these gentlemen are not placed above the law; their powers of decision arise solely from the deeds between the company and the creditors, which are neither ratified nor confirmed by parliament, as is evident from the ninth clause of the act; they are liable, like all other trustees to suits, for abuse of trust, and should not I think be unnecessarily exposed to it; nor to the serious inconvenience of admitting in the list of claims, which they are bound, through the commissioners in England, to lay before the two houses of parliament at every sessions, with the grounds of their decision, that they passed this bond, or recommended it to be passed, in direct opposition to the verdict of a British jury.—For these reasons I am clearly and strongly of opinion that an order should be made for depositing the bond with the officer of the court. I shall close what I have to say on this question, by observing, that though a creditor of the late nabob, I am not at present, in the smallest degree, interested in this bond. The verdict of a British jury having pronounced it to be a forgery, even the semblance of validity is for ever gone, and by its validity only could my interests be affected. Though the verdict has not had the aid of judgment, its propriety has not been questioned by the defendants themselves, and, by not praying a new trial, which might have been granted, they have acknowledged its justice. The punishment due to the crime of forgery may, perhaps, be pardoned, but no pardon can stamp a value on the bond; that will for ever remain attainted, and, I may venture to say, an useless paper; for the commissioners in England, with whom the final decision rests on all the Carnatic claims, will unquestionably hold the trial by jury, that great palladium of our liberties, in too much veneration to allow the opinions of any individuals here to be put in competition with the verdict of twelve men upon their oaths; nor would it, I apprehend, be suffered by

parliament, to whom they undoubtedly are accountable. The quotation from my letter will therefore, I trust, miss its evident aim—to cast on my opinion, if I should venture to give one, the imputation of interest. But I am too well known in this settlement to have my integrity brought in question. I am not now interested in the fate of this bond, nor was I from the moment the justice of the verdict was acknowledged, by neither moving for a new trial, nor in arrest of judgment. I am neither interested in it myself, nor is any one connected with me.

THIRD QUESTION.

As to the question, whether the prayer of Mr. Marsh for an order from this court to print the late trials, ought to be granted or not:

I think that as the trials are not before the court, but before the court of oyer and terminer and gaol delivery, the application would more properly be made to that court—but perhaps, as this is not a question of law, and my lord chief justice, before whom the men were tried, presides here, we may, placing a perfect confidence in Mr. Marsh's ability and correctness give him leave to print them; but what end will our permission answer, if there exists any where within the settelment, a power to controul the liberty of the press?—He has already applied to the chief secretary of government for leave to publish them, and has received for answer that it is not thought expedient—and nothing more, no reason given why it should not be printed—but it sometimes is not convenient to assign reasons. The chief secretary could not have said that the government of this settlement have power to revive the act of Charles II. for restraining the liberty of the press. The act, after two revivals, expired about one hundred years ago, and all the efforts of King William, that great favourite of the nation, were not sufficient

to prevail on parliament to revive it again. Parliament knew too well the value of a free press to put it under any other restriction, than that already imposed on it by the law of libels. The chief secretary might perhaps have said that government had been for many years in the exercise of a power to restrain the press; by prohibiting the publication of any thing that may create private uneasiness, or public ferment; and that the settlement had so long acquiesced in the assumption of this power, that it had grown into a right, which they now thought proper to exercise, allowing for a moment that the acquiescence of the settlement for twenty or twenty-five years past (for beyond that period, there was no press at Madras) could confer such a right. It was limited to the newspapers, and never extended nor meant to be extended, to the length to which it would now be carried, In the case of the king against Paupiah and others, many years ago, for a conspiracy against Mr. David Haliburton, no such right was pretended to, that trial was printed and published at Madras, and no objection whatsoever made to it on the part of government, even though the governor and council were then judges of oyer and terminer, and formed the court before whom the defendants were tried; they were not lawyers, and were therefore liable to errors in judgment, which they might not have wished to have exposed to the observation of the public, but no objection whatever was made. The other day at Calcutta, the trial of Mr. Tucker for an assault on a married lady, with intent to commit a rape, was printed and published at Bombay; all the trials of consequence are printed in the public papers, many have appeared in the public papers of Bengal, and some have lately appeared in our own way, why then object to a publication of the late trial? are the characters and conduct of the men tried, like a lady's fame, too sacred to be mentioned, or are the public less interested in being acquainted with the circumstances which came out on their trials, than they

were in those which have at various times already appeared? Nothing of this kind could possibly be the cause of refusing to let those trials be made public; we must therefore look to something else. Perhaps to an apprehension of improper interference in the suits of other men---approaching, nay, possibly amounting to maintenance, " an offence, (as Black-" stone informs us, 4 Com. 134) against public jus-" tice, as it keeps alive strife and contention, and " perverts the remedial process of the law into an " engine of oppression, and therefore, by the Roman " law, it was a species of the crimen falsi to enter " into any confederacy, or to do any act to support " another's law suit by money, witness, or patronage." The excellent lawyer and upright judge, who quitted us last October, noticed a similar imprudence in the case of Abbot v. Hussam ul Mulk, and pronounced it from the Bench to be maintenance.

If then the secret reason of thinking it inexpedient to permit the publication of these trials, was to prevent the exposure of their falling a second time into the same error, it was certainly prudent; but more prudence would have been shewn if they would have taken the blunt hint of Sir Henry Gwillim, and avoided the error altogether. I was for three and twenty years a confidential servant of the company under this government, and feel an habitual leaning towards them; I am not, therefore, inclined to impute any thing to them but imprudence, but imprudent, I am afraid, they have been, in taking any part in a cause which seemed to call on them for a steady and determined neutrality; and had I still been their attorney general, this is the conduct I should have advised; all this however may soon be overlooked and forgotten, if the error be not further repeated. But the unauthorized restriction of the press cannot be so easily passed over; it is the dearest privilege to a British subject; the best and surest protection of his liberties; the greatest check on the extension of au-

thority, to which we are all naturally inclined; it is the best security we have for the pure administration of the laws we live under, and for keeping unpolluted by undue influence, or arbitrary decision the sacred seats of justice. Mr. Marsh, has therefore my leave, as far as it can avail him, to publish these trials. But my leave is comparatively of little value. By the constitution of the court, my lord chief justice at present possesses a double or casting voice; whether, therefore, Mr. Marsh shall, or shall not have the leave of the court, depends on the inclination of his lordship's mind.

THE END.

Printed by W. Flint, Old Bailey, London.

The Publisher of this Pamphlet, 170, Piccadilly, most respectfully acquaints the Public that all the Morning and Evening Newspapers, are distributed through the West End of the Town—and sent Post Free through the United Kingdom.

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